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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

STUDY OF SITUATIONS WHICH APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AS PROVIDED IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1235 (XLII) AND 1503 (XLVIII): REPORT OF THE WORKING GROUP ON SITUATIONS ESTABLISHED BY ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1990/41 OF 25 MAY 1990

Letter dated 21 March 1997 from the Permanent Representative of the Republic of Sudan to the United Nations Office in Geneva addressed to the Chairman of the Commission on Human Rights

Upon instructions from my Government, I have the honour to attach herewith the response of the Government of the Sudan to the report of the Special Rapporteur, Mr. Gaspar Biro, submitted in accordance with Commission on Human Rights resolution 1996/73 and contained in document E/CN.4/1997/58, dated 3 February 1997.

May I kindly request the circulation of this note and its attachment* as an official document of the fifty-third session of the Commission on Human Rights under agenda item 10 (b).

(Signed) Ali Ahmed Sahlool
Ambassador
Permanent Representative

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* Reproduced in English or Arabic only.

The response of the Government of the Sudan to the report of the Special Rapporteur, Mr. Gaspar Biro,

submitted in accordance with
Commission on Human Rights resolution 1996/73
and contained in document (E/CN.4/1997/58)
dated 3 February 1997

Geneva, March 1997

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* Available for consultation, in the original Arabic, in the files of the Secretariat.

INTRODUCTION

1. To keep the international community well informed about the situation of human rights in the Sudan, the Government of the Sudan has maintained a time-consuming practice of responding in detail to each of the three reports submitted by the Special Rapporteur to the Commission on Human Rights since 1993 (E/CN.4/1994/48; E/CN.4/1995/58 and E/CN.4/1996/62), and to each of the four interim reports submitted by the Special Rapporteur to the UN General Assembly (A/48/601; A/49/539; A/50/569 and A/51/490). Therefore, our response to the interim report contained in document (A/51/490) of 14 October 1996 should be read together with the present response.

The Government is maintaining close cooperation with the Special Rapporteur as promised:-

2. We would like to recall in this connection that the Government of the Sudan, during the 52nd session of the Commission on Human Rights in 1996, has taken a major step towards cooperation with the Special Rapporteur, Mr. Gaspar Biro, by promising to invite him to visit the country whenever he requests to do so. And in fact that initiative by the Government of the Sudan was well received by the international community.

3. The Government kept its promise and invited him to visit the country upon his request. The findings of the mission of the Special Rapporteur undertaken from 27 July to 8 August 1996 which were based upon discussions held with competent officials of the Government of the Sudan were addressed in our response to his interim report submitted to the UN General Assembly in 1996.

4. The major step referred to in paragraph 2 above was part of an understanding reflected in resolution 1996/73 whereby the Commission on Human Rights has promised to "reassess" the placement of human rights field officers during its 53rd session in 1997. Nevertheless, the authors of the resolution about the situation of human rights in the Sudan adopted by the 51st session of the UN General Assembly in 1996 have refused to honour such understanding by including a paragraph in that resolution calling for the placement of human rights field officers in an attempt to pre-empt the Commission on Human Rights, during this 53rd session, from "reassessing" the placement of human rights field officers, as it has promised in its resolution of last year.

5. Despite such negative and uncalled for attitude, the Government of the Sudan unconditionally accepted a request from Mr. Gaspar Biro to visit the country for the second time within less than 6 months of his previous visit. In the report under consideration the Special Rapporteur has the following to say

about the excellent arrangements undertaken by the Government: "on 13 January 1997, the Special Rapporteur arrived in Khartoum and had an efficient and comprehensive working meeting with the Prosecutor General, representatives of the Ministry of Justice and the Consultative (Advisory) Council for Human Rights. In this meeting, the programme of the mission was finalized and a number of questions regarding the situation of human rights were discussed. The travel arrangements for a one-day visit to Wau were also made. Another fact-finding visit was scheduled, in agreement with the competent authorities, for Saturday 18 January. A number of other official meetings, in addition to the schedule presented at the airport by the Prosecutor General upon arrival, were also scheduled. On 14 January 1997, the Special Rapporteur was obliged, for reasons indicated in a letter dated Geneva, 17 January 1997, to the Chairman of the Commission on Human Rights, to interrupt his visit to the Sudan and leave the country".

6. Our understanding is that the reasons, which have obliged the Special Rapporteur to interrupt his visit to the Sudan and leave the country, were nothing more than the sudden foreign aggression on the south-east borders of the country which has started on 12 January 1997 resulting in the occupation of some territories including the towns of Kurmuk and Qeissan, and which has made the implementation of the programme of the visit rather impossible. However, Annex (4) hereof which includes, inter alia, a report of an investigation conducted during 13-17 January 1997 in response to a request by the Special Rapporteur illustrates the continued cooperation with the Special Rapporteur.

General Comments on the report:-

7. (1.) The so-called Sudanese citizens and refugees in the neighbouring countries whom the Special Rapporteur has met between 4 and 12 January 1997, were nothing else than the rebel forces which have joined the foreign aggression of 12 January 1997.

(2.) We do not think that it is appropriate for the Special Rapporteur to start his report by the conclusion contained in paragraph 5 to the effect that the "information on basic facts is well established and enables a proper assessment to be made of the present situation of human rights in the Sudan and the position of those who bear responsibility or have directly contributed to the deterioration of the situation in the Sudan", before he undertakes a proper analysis and verification of such information. Therefore, we submit at the outset that such conclusion is premature and we reserve our right to prove that such information is not well established and consequently does not enable a proper assessment or constitute a basis for the indirect reference in the same paragraph that the situation of human rights in the Sudan has deteriorated.

8. Likewise, and in the following paragraph 6 of the report, the Special Rapporteur has concluded, without any substantiation, that after 1993 the whole range of human rights recognized by the United Nations has continuously been violated by agents of the Government of the Sudan or individuals publicly affiliated and working with it. It suffices in this connection to remind the Special Rapporteur that his mandate established by the Commission on Human Rights in 1993, obliges him to seek reliable information and, therefore, the unsubstantiated conclusions contained in paragraphs 5 and 6 of his report are themselves a clear violation of the terms of his mandate and should be disregarded.

9. After having, unjustifiably, concluded in paragraph 5 that the information on basic facts is well established without explaining what kind of information he was talking about, the Special Rapporteur has extended his baseless conclusion to the future by claiming, in paragraph 7, that all Sudanese citizens living in areas controlled by the Government of the Sudan are potential victims of human rights violations and abuses.

10. As of 12 January 1997, it became a constant feature of government policy, not to declare war and general mobilization as claimed by the Special Rapporteur, but to exercise the inherent right of self-defense enshrined in Article 51 of the UN Charter against the armed foreign aggression. And if the Special Rapporteur is really worried about lessening the chances for the conflict to be resolved by political dialogue, he should address his concerns to the countries supporting the current armed aggression against the Sudan. Nevertheless, the Government of the Sudan stands firmly committed to the peaceful solution of the conflict through the Peace Charter of 10 April 1996 which is in the process of being developed into a comprehensive peace agreement.

11. It is amazing to note that the Special Rapporteur has declined to address the aspect of the foreign aggression falling within his mandate, i.e. the gross human rights violations committed by the aggressors. The exact extent of such gross violations is yet to be known since the aggressors are still continuing to commit violations up to date, but the interim reports of the fact-finding committees which have visited the area noted with detailed verification, including eye-witness testimonies, gross violations of the whole range of human rights recognized by the United Nations, including summary and extra-judicial killings, enforced and involuntary disappearances, illegal detention of more than 22,000 persons, rape, torture, forced displacement of more than 30,000 persons, destruction of public utilities, houses, schools, worship places and medical centres. The following Annexes 1/ are just few examples of the violations quoted from the reports of the fact-finding committees:-

Annex (1): List of names of 52 persons killed in Kurmuk area on 12 January 1997.

1/ Annexes 1 to 3 are available for consultation, in the original Arabic, in the files of the Secretariat.

Annex (2): List of names of 24 persons killed in Qeissan area on 12 January 1997.

Annex (3): List of names of 36 persons involuntarily disappeared in Kurmuk and Qeissan areas on 12 January 1997.

12. The statement made by the Special Rapporteur in paragraph 8, to the effect that until April 1996 the official position of the Government of the Sudan with regard to the provisions of the resolutions adopted by the Commission on Human Rights and the General Assembly on reported human rights violations can be summarized as unequivocal rejection, is simply not true. To cite only two concrete examples in support of our submission, we refer to the resolution adopted by the UN General Assembly in 1995 about the situation of human rights in the Sudan which has requested the Government of the Sudan to undertake the following:-

First: to investigate cases of alleged slavery and similar practices. And in response to such request the Government of the Sudan has established in early 1996 a Committee to undertake such investigations, and the Committee has already made many site visits and submitted progress reports.

Second: to extend invitations to the Commission on Human Rights' Special Rapporteurs on Religious Intolerance and Freedom of Expression. And in response to such request the Government of the Sudan has extended invitations as requested, and already the Special Rapporteur on Religious Intolerance has visited the Sudan in 1996, and we are waiting for a response from the Special Rapporteur on Freedom of Expression.

13. In the light of the above measures which have already been brought to the attention of the Special Rapporteur in our response to his report submitted last year to the Commission on Human Rights, we do not think that he has any valid grounds for claiming, in paragraph 8, that until April 1996, the official position of the Government of the Sudan with regard to the provisions of the resolutions adopted by the Commission on Human Rights and the General Assembly can be summarized as unequivocal rejection.

14. Similarly, his claim in the same paragraph that calls upon the Government of the Sudan to bring an end to the violations and to hold the perpetrators responsible have consistently been ignored, is unfair and unjustifiable since all government officials and in particular law enforcement officers who violate human rights whether by exceeding their legal powers or otherwise have been brought to justice to the extent that death penalty has been executed against one of them. A detailed list of such measures have been attached to the report of the Government of the Sudan submitted last year under the International Covenant on Civil and Political Rights.

15. We submit that the Special Rapporteur is not justified in claiming, in paragraph 9, that the basic trend of the past years towards a deterioration of the situation of human rights in the Sudan has not been altered. The following paragraphs support our submission.

1. CHRONOLOGY OF MAIN EVENTS AS REPORTED BY THE SPECIAL RAPPORTEUR BETWEEN APRIL 1996 AND JANUARY 1997

A. Slavery (April-October 1996)

16. The same reports on slavery, the slave trade and similar practices referred to by the Special Rapporteur in paragraph 10 have been repeated time and again since the establishment of his mandate in 1993. In a recent letter no. (G/5214/80/2) dated 6 September 1996 he has raised similar allegations and requested the Government to investigate the matter urgently. In response to such request the Government sent an investigation team to the States of Bahar al Jabal and Jongolie during 16-20 November 1996, and to the State of West Bahar al Gazal during 13-17 January 1997. After comprehensive investigations including testimonies of eye witnesses and tribal chiefs the investigation team concluded in its two reports, Annex (4), that such allegations are not true. Annex (5) is an open letter dated March 1997 from Mr. David Hoile (a human rights activist who visits the Sudan frequently) to Baroness Cox and Christian Solidarity International refuting such unfounded allegations.

B. Bombardments (June 1996-January 1997)

17. First of all it is interesting to note the frequency of these allegations as described by the Special Rapporteur himself in paragraph 12 who has explained that when the bombardments started on a greater scale and on a continuous basis in southern Sudan, Chukudum has been a priority target and has been bombarded 17 times since August 1993. Therefore, by a simple calculation the priority target has been, on the average, subject to less than one attack every two months. Secondly, even those rare incidents of bombardments have targeted rebel military installations and equipments. And if the Government is interested in killing civilians as alleged, it does not need to go that far using the expensive air force operations, since hundreds of thousands of civilians have deserted the conflict areas and are residing in Government controlled areas.

C. Amnesty (June 1996)

18. We confirm that the amnesty offer to southern rebels has been repeated on many occasions and that many rebels have made use of the offer by returning to the country and joining the peace process. Furthermore, many instances of the executions of the amnesty process have been publicly noted

through the official media. And in fact the Peace Charter of 10 April 1996 is a major step in this regard. There is no requirement that the returnees should join the PDF since the PDF is a voluntary establishment. On the other hand, mandatory conversion to Islam, whether through joining the PDF or otherwise, contradicts one of the basic concepts enshrined in the Holy Quoran to the effect that there is no compulsion in Islam.

19. If the allegations contained in paragraphs 13-16 are true and common, the Special Rapporteur would have been able to cite at least one single recent case rather than relying wholly on the alleged story of J.D. which took place in May 1995, more than twenty months ago. To substantiate the outdated and isolated story, the Special Rapporteur reported, in paragraph 14, that his witness provided him with an account of the treatment of former Prime Minister Sadiq al Mahdi, who had been detained in Kober prison from May to August 1995. We fail to see the connection, but it worth mentioning that al Madhi has at that time publicly denounced all allegations of torture as has already been explained in our previous responses.

20. We appreciate the acknowledgment in paragraph 16 that the Government of the Sudan has released more than one thousand prisoners including more than 500 women, and it is not unusual that the Special Rapporteur did not give any credit to the Government, but it is unusual to note a release of such magnitude without explaining the religious tolerance context within which it has taken place since many of the released women prisoners have been trading in local alcohol.

D. Amputation (June 1996)

21. The statement of the Special Rapporteur contained in paragraph 17 to the effect that the convicted thieves had retracted their confessions thereby delaying the execution of the penalty (amputation), is inaccurate and misleading since the Criminal Act of 1991 provides that whenever there is a conviction of theft based on a confession and the confession is retracted then there would be no delay of the execution of the penalty (amputation), since there would be no amputation at all, and that explains why only three amputations had been carried out since 1989.

E. Arrests, torture and Lack of due process of Law (June-July 1996)

22. Political opposition is not a criminal offense under the laws of the Sudan, therefore the statement contained in paragraph 18 to the effect that 15 suspected political opponents were arrested and detained is also inaccurate to say the least. However, if a political opponent is suspected of committing a crime (e.g. possession of firearms without a license, use of armed force to overthrow the Government, bombing public utilities, assassination) then he

would be arrested for investigation and eventually he would either be released or taken to court for trial, depending on the outcome of the investigations.

23. All the allegations contained in paragraphs 19-25 should be understood in the light of the explanations given in the preceding paragraph 22 and in the light of the following:-

(a) Torture, ill-treatment, illegal detention and all other similar practices are crimes under the laws of the Sudan, and it is the declared policy of the Government of the Sudan not to tolerate such illegal and immoral practices.

(b) The Government of the Sudan has always been keen to enforce such declared policy by taking legal measures against any official or law enforcement officer who is suspected of committing such practices. And in fact some individuals have already been convicted, and even death penalties have been passed and executed in this connection.

(c) Military courts are recognized in all jurisdictions, and they are established in the Sudan under the People's Armed Forces Act of 1986 which has been promulgated during the multi-party system and which is almost identical to similar legislations in other parts of the world. Civilians can be tried before military courts in the Sudan in certain circumstances after taking the permission of the Minister of Justice, and such permission has been timely taken in the case under consideration.

(d) Due process of law has been strictly observed in such courts including representation of accused persons by advocates of their own choice (17 eminent lawyers), as has been rightly acknowledged in paragraphs 23, 24 and 25. And we note in this connection that the defense lawyers have publicly acknowledged observance of due process of law by the military court.

F. Hostage-taking (September 1996)

24. The Government of the Sudan is a victim of the incident referred to in paragraph 26, resulting in the abduction of two relief workers of the Sudanese Humanitarian Relief Aid Organization.

25. Being a signatory of the 10 April 1996 Peace Charter, or a political ally of the Government does not change the illegal nature of the incident occurring on 1 November 1996 and the underlying causes. And the Government of the Sudan should have been commended by the Special Rapporteur for its efforts which have contributed to the release of the Red Cross workers.

26. In the light of the comments and explanations contained in the preceding paragraphs 25 and 26, we submit that the whole of section F of the report of the

Special Rapporteur entitled "Hostage-taking" is irrelevant and misleading and has negative connotations on the position of the Government of the Sudan.

G. Arbitrary detention and summoning to security offices (November 1996-January 1997)

27. As we have explained above, detention is a normal legal procedure governed by law for the accusations levelled against the individuals concerned pending the completion of investigations, and thereafter the suspect would either be released or taken to court to stand trial depending on the outcome of the investigations. The laws of the Sudan provide for strong guarantees and safeguards in this regard including the incrimination of degrading treatment of detainees and judicial review for all detention procedures.

28. Paragraph 29 of the report of the Special Rapporteur is a practical substantiation of the explanations given in the preceding paragraphs hereof, since the Special Rapporteur has expressly acknowledged that all the individuals arrested on 31 December 1996 were released within 24 hours on 1 January 1997.

29. The arrests which took place beginning 13 January 1997 as mentioned in paragraphs 30-32 should be understood in the context of the foreign armed aggression of 12 January 1997 on the south-east borders of the country which was accompanied by plans to disturb the peace in many major towns. Such plans included assassination, bombing of bridges and public utilities, armed confrontations, terrorizing the civilians and looting the shops and market places.

H. Reports on summary execution (August 1996)

30. Regarding the baseless allegations contained in paragraph 33 of the report, we confirm once again that no one of the arrested group had been executed. And we remind the Special Rapporteur that similar allegations have been made in the past regarding a group of officers, but fortunately enough the Special Rapporteur was in Khartoum when the trial of those officers was scheduled to start its proceedings, and an invitation has been extended to the Special Rapporteur to attend the court sessions and ascertain that no summary executions have taken place and that the trial is fair and open for the public at large, but the Special Rapporteur has turned down the invitation.

I. Freedom of the Press (July 1996)

31. There are many privately owned news papers other than al-Rai al-Akhar, and they are all operating up to date under the supervision of an independent council established under the Press and Printed Materials Law. Therefore, it was that council which has shut-down al-Rai al-Akhar in exercise of its legal

powers, and not the Sudanese authorities as mentioned by the Special Rapporteur in paragraph 35. Any action taken by the Council is subject, according to law, to judicial review. The Press and Printed Materials Law has been reviewed and reissued recently by the National Assembly in accordance with a private member bill, and consequently more safeguards have been provided for in the new law to guarantee freedom of the press. And to keep the international community informed, the Government of the Sudan has extended an invitation to the Special Rapporteur on Freedom of Expression to visit the country.

J. Darfur tribal clashes (August 1996-January 1997)

32. Tribal fights over water and grazing lands in Darfur mentioned by the Special Rapporteur in paragraphs 36-38 have been occurring since time immemorial, nevertheless the tremendous efforts of the Government in establishing law and order and social reconciliation is recognized by all those who are acquainted with the social fabric of those areas accommodating tribes of different ethnic origins.

33. Before 1989 the area was also a playground for widespread armed robbery, but the Government was able to mobilize massive resources to bring law and order and create a conducive atmosphere for social and economic development and private investment. As a result a long network of roads has been constructed extending over hundreds of miles, and many universities have been built and are now receiving students on a regular basis in the different disciplines including the highly expensive schools of medicine and engineering.

34. On the administrative level a comprehensive reorganization has been undertaken whereby former larger entities have been divided into smaller States to secure a fair distribution of wealth and power. Consequently, the Sudan is divided now into 26 States each having its own governor, legislature and council of ministers. For all States the President of the Republic nominates three persons for the post of the local governor, but the final choice rests with the legislative assembly of the State concerned. For practical considerations the practice for all States, not only Darfur, is that the governor should come from a different part of the country. For example the current governor of the Northern State is from western Sudan.

K. Indiscriminate killings of Sudanese refugees and abductions from camps in northern Uganda (August and November 1996)

35. We confirm once again that the Government of the Sudan has no relationship whatsoever with the Ugandan rebel troops mentioned in paragraph 39 of the report, namely the Lord's Resistance Army (LRA) and the West Nile Bank Front (WNBF). Therefore, the Government of the Sudan is not in a position to respond to the alleged atrocities committed by those factions.

However, it is the established policy of the Government of the Sudan to condemn all human rights violations.

36. On the other hand, if the Special Rapporteur is concerned about such baseless reports, he should have made reference to the substantiated reports corroborated by the official announcements of some countries that they provide land access through their territories to Sudanese rebels, in addition to logistic support, provision of arms and on many occasions fight the government forces on behalf of the rebels along the east, south-east, south and south-west borders of the Sudan. Such unprecedented violations of the UN Charter have resulted in the occupation of Sudanese territories like Kurmuk and Qeissan. Gross and consistent violations have been committed by the aggressors against the population of the occupied territories including indiscriminate killings, detention, enforced and involuntary disappearances and forced displacement of more than thirty thousands citizens in addition to looting of property and destruction of private homes, worship places, schools, medical centres and public buildings. Moreover, the Special Rapporteur should have made reference to the authentic reports that the John Garang rebel faction had abducted around 20'000 school children for recruitment purposes.

37. The Special Rapporteur should have mentioned those verified atrocities even it was only to balance his report.

L. Ahlia University (July-August 1996)

38. As has been rightly noted by the Special Rapporteur in paragraph 40, the students unrest in Ahlia University has resulted in a fire devastation of some classrooms, auxiliary buildings and the office of the Vice-chancellor. However, the Special Rapporteur has made no attempt to explain that the political opponents of the Government, using some isolated group of students, have been trying to interrupt the academic process in the university by the destruction of the property thereby leaving the Government with no option other than to resort to legal and disciplinary measures for the benefit of the majority of the students. Thus, the Government has acted reasonably and according to law using maximum restraint.

M. Children round-up (July 1996)

39. We are amazed to read in paragraph 41 that there are official denials of the welfare centres (the so-called special camps), since the Government has on many occasions invited the Special Rapporteur while in Khartoum, to visit such centres, and we have it on record that he has once declined to accept the invitation. Furthermore, we have in many of our previous responses given explanations regarding those welfare centres.

40. The conditions in those centres are excellent compared to the trash-dumps where those children used to live and sleep, and they are fairly reasonable compared to the living conditions everywhere in the Sudan, but if the Special Rapporteur is claiming that the conditions in the centres are inhuman compared to Europe, we find no difficulty in agreeing with him for obvious reasons. And we welcome a call by the Special Rappporteur for the international community to upgrade the living conditions in those centres, but until that dream comes true the Government would continue its serious efforts to help as many of the street children as it can, and would not let them live in misery waiting for the help of the international community.

41. The Special Rapporteur has been challenging the Government plans to give a helping hand to the street children since 1993, but up to this moment he has not been able to offer any viable alternative. A similar attitude has been shown by the Special Rapporteur regarding the Government policies towards the displaced persons, in particular those accommodated by the Government in Dar-Al Salam area which has gradually developed, due to the self-reliance policy of the Government, into a new extension of Omdurman city enjoying regular public transportation and reasonable services, to the extent that no one living there is willing to go back to their original places despite the generous offers made by the Government.

N. Riots (September 1996)

42. It is interesting to note that the Special Rapporteur has been keen to report in paragraph 42 that: "demonstrators reportedly threw stones at police, who fired tear-gas and shot in the air to disperse them. No casualties were reported". The remark calls for no response, but it is a clear evidence that the police force in the Sudan is disciplined and exercises maximum restraint, and does not resort to excessive use of force.

43. Paragraph 43 of the report is a clear evidence that even the so-called "Government-owned" al-Ingaz al-Watani exercises full freedom of expression since it reports about the bread riots.

O. The rights of women (October 1996)

44. Regarding the Public Order Act of 1996 referred to in paragraph 44 of the report, we confirm the explanations given to the effect that that piece of legislation is part of the broader Public Order Act of 1996 adopted at Khartoum State level, regulating a large number of issues, including permits for street vendors and approval for private gatherings and celebrations which might affect the public order. As for the exaggeration reported to the effect that in public gatherings women should be separated from men by curtains, we call upon the Special Rapporteur to watch the public gatherings attended by the President of

the Republic himself shown on Sudan T.V. to get a first-hand information that such report is baseless.

45. As a gesture of cooperation and a positive response to the remarks made by the Special Rapporteur during his previous visits to the Sudan, the Government has adopted the practice of periodic releases of women sentenced for making or selling alcoholic drinks. A recent release of 200 women was made on 5 December 1996, as has been rightly noted by the Special Rapporteur in paragraph 45 of his report. Instead of commending such measure and give the Government the credit it deserves since it has the legal right not to release the women, the Special Rapporteur continued to belittle the efforts of the Government of the Sudan by stating that except for such periodic releases, it appears that the competent authorities did not undertake any measures to improve the situation. In fact the Government did undertake other effective measures, but the Special Rapporteur did not choose to acquaint himself with them while in Khartoum. Those measures include the provision of some funds to the released women to lead a normal life, improvement of the situation inside the prison, and the authorities are working now on a project to provide a proper baby sitting for all nursing mothers in the prison or find other better alternative for them in the field of social work.

P. Freedom of religion and conscience (December 1996-January 1997)

46. Responding positively to a request by the UN General Assembly contained in its resolution of 1995 on the situation of human rights in the Sudan, the Government of the Sudan has extended an invitation to the Special Rapporteur on religious intolerance (Mr. Amor) to visit the Sudan. The Government of the Sudan has cooperated fully with Mr. Amor during the visit which has taken place during 1996 so as to enable him to fulfill his mandate without any interruption. The basic principle for freedom of religion and religious tolerance which is the dependency of rights and obligation on nationality, is recognized in the Sudan within the constitutional arrangements and not within ordinary law since the thirteenth Constitutional Decree provides expressly for such principle in addition to the Elections Act of 1996.

47. The report of the Special Rapporteur on religious intolerance contained in document (A/51/542/Add.2) was not made available for the Government of the Sudan when that report was presented before the UN General Assembly in 1996, therefore, we are not in a position to comment on its conclusions and recommendations supported by Mr. Biro in paragraph 46 of his report. However, we do support the statement in paragraph 55 of the recent report of the Special Rapporteur on religious intolerance contained in document (E/CN.4/1997/91) dated 30 December 1996 to the effect that: "Since 1996, when a political charter clearly based on citizenship, not religion, was adopted, it would appear that there has been a review resulting in positive changes in, among others, the religious area". And we call upon Mr. Gaspar Biro to

recognize such positives changes rather than to reiterate the baseless allegations.

48. The references to discriminatory measures, denial of the right to distribute food in camps for displaced persons and harassment, are too vague to allow for a specific response. And it worth mentioning in this connection that the Government is very responsive to any request by any church personnel, and as a result the Government has repealed the Missionary Societies Act of 1962 for the simple reason that some church personnel have thought that the Act which is of a regulatory nature is a restriction on the activities of the churches. The Government has repealed the Act despite the fact that the Act had been there for more than 30 years without any protest from the church personnel.

49. The reports about the demolition of the Catholic Centre of Dorushab referred to in paragraph 47 of the report are not true. The facts of the case are simply that the Centre has been constructed temporarily from wooden poles and straw mats across a public road without obtaining the required licence from the Town Planning Committee of Khartoum North. When the incident was brought to the attention of the Committee by some individuals negatively affected by the illegal blocking of the public road, the Committee, realizing the political dimension of the issue, has refused to take any legal action against the church personnel responsible for the construction of the Centre, and has offered them a much larger area in the same neighbourhood, and has also allocated enough funds to build the Centre for them using much expensive materials (bricks). In addition the Committee offered not to demolish the old Centre until the new Centre is built and furnished to guarantee the smooth transfer of the activities of the Centre without any interruption. Consecutive monthly notifications were given but the church personnel insisted to challenge the law, most probably relying on such unfair reporting as contained in paragraph 47 of the report of the Special Rapporteur, where he would claim that there was no writ for the demolition of the illegal Centre, without explaining that the Centre is illegal and has been constructed without obtaining the required licence, and without making any reference to the reasonable and generous offers made by the Committee.

Q. Indiscriminate killings of civilians, devastation of villages (January 1997)

50. Paragraph 48 of the report is a complete distortion of the facts as reported in the international media witnessing the military aggression on the south-east borders of the Sudan as of 12 January 1997. Ironically, the Special Rapporteur himself has been touring the countries neighbouring the east and south-east borders of the Sudan when the preparations for that foreign aggression were underway, and he was present in Khartoum when the aggression has started as of 12 January 1997. The Special Rapporteur has chosen his words carefully in paragraph 48 of his report so as to avoid placing

the responsibility on the aggressors, by referring to the "intensification" and "escalation" of the fighting in order to create an impression that there have been military operations before 12 January 1997, and that those military operations have only intensified or escalated as of 12 January 1997. We strongly submit that paragraph 48 is not a true statement of the facts, since the citizens living in the areas of the south-east border, especially in the towns of Kurmuk and Qeissan, have been leading a normal life until 11 January 1997 when the foreign aggression has taken them by surprise early 12 January 1997 resulting in the destruction of villages, indiscriminate killing of civilians men, women and children, rape, looting, torture, illegal detention of more than 22'000 and forced displacement of more than 33'000. Annexes 1-3 hereof are only few examples of the atrocities resulting from that foreign aggression. Detailed reports have been prepared by the independent investigation committees which have visited the area and interviewed eye-witnesses who were in Kurmuk, Qeissan and neighbouring villages when the aggression took place.

51. Being the Special Rapporteur for the situation of human rights in the Sudan, we urge Mr. Biro to take immediate appropriate measures against such violations.

II. CONCLUSIONS AND RECOMMENDATIONS

A. CONCLUSIONS

52. It is only fair to read the concerns expressed in resolution 51/112 of the UN General Assembly in the light of the recognition expressed by the Special Rapporteur in his interim report to the UN General Assembly in 1996 to the effect that there are:-

(a) effective measures of a practical nature undertaken by the Government of the Sudan to investigate alleged human rights violations.

(b) effective measures of a practical nature undertaken by the Government of the Sudan to improve the flow of information.

53. The practical application of the concerns expressed in resolution 51/112 of the UN General Assembly is to give priority support to the effective measures of a practical nature undertaken by the Government of the Sudan as explained in the preceding paragraph. And consequently, the Special Rapporteur is expected to develop a follow-up procedures for the generation of such support, and a regular reporting of his findings in every report he submits in the future about the situation of human rights in the Sudan.

54. The Government of the Sudan avails itself of this opportunity to convey to the Special Rapporteur that it is continuing its efforts with those effective

practice measures, despite the fact that no support has been offered despite its frequent approaches to the Commission on Human Rights and the Centre.

55. The Government of the Sudan is deeply concerned about the fact noted in paragraph 50 of the report, to the effect that the Special Rapporteur continued to receive reports and information on abuses and atrocities committed against the life, liberty and security of individuals by members of different parties to the armed conflict in the country other than the Government of the Sudan in the areas under their control.

56. The Special Rapporteur has noted, in paragraph 50 of his report, that Constitutional Decree No. 2 of 1989 is still in force and concluded that the situation of political and civil rights and fundamental freedoms has not improved. Once again we feel obliged to explain that the noting is unfair since it does not reflect the constitutional arrangements which have taken place since 1989 including the following:-

(a) The dissolution of the Revolutionary Command Council and its replacement by a President of the Republic to be elected directly by the citizens through free elections. Such elections have already been conducted in 1996 and observed by independent foreign observers from different international institutions including the Organization of the Islamic Countries, the Arab League, the Organization of the African Unity. Moreover, the election process has been noted in the resolution adopted by the Commission on Human Rights in 1996 on the situation of human rights in the Sudan.

(b) The same democratic process referred to in the preceding sub-paragraph (a) has been followed in the elections of the federal legislature (National Assembly) and the State legislatures.

(c) Any person aggrieved by any action taken by the President of the Republic or the federal ministers is given the right to appeal to the Supreme Court.

(d) No one is excluded from competing to the office of the President of the Republic, membership of legislative bodies, or any other public office because of religious, ethnic or political affiliation.

(e) Respect and promotion of human rights is recognized by the Constitutional Decree No. 7.

(f) Independence of the Judiciary is guaranteed.

(g) Commitment to the peaceful resolution of the conflict in the Sudan.

(h) Submission of the reports of the Sudan under the International Covenant on Civil and Political Rights, the African Charter on Human and People's Rights, the International Agreement on the Elimination of all Forms of Racial Discrimination, and the Convention on the Rights of the Child.

(i) Taking effective measures to eliminate traditional harmful practices, to the extent that such efforts have been noted by the concerned UN organs.

57. The Government of the Sudan recognizes freedom of conscience and religion, and we note that such recognition has been expressed clearly in the constitutional arrangements and the laws of the country. We refer in this connection to the fact that rights and obligations in the Sudan are based, by law, on nationality not on religious affiliation, as has been noted by the Special Rapporteur on religious intolerance. We refer also to the Criminal Act of 1991 which exempts all non-muslims from the application of Islamic penalties. Moreover, the Sudan has cooperated with the international community in this connection by receiving the Special Rapporteur on religious intolerance in 1996.

58. Our reaction to the conclusions contained in paragraph 52 to the effect that Sudanese Christians and their churches and organizations have suffered several disadvantages, is that they are baseless and based on reports submitted to the Special Rapporteur by some individuals who would like to manipulate religion for political purposes. Our reaction is evidenced by the fact that the main abuse quoted which is the alleged attempt to apply the Missionary Act of 1962 is unconceivable, since the Government has chosen to repeal it in 1994, despite the fact that it is not responsible for its promulgation which dates back to 1962. Moreover, the Special Rapporteur is not accusing the Government of applying the repealed Act but of "attempts" to apply it, which means, to the best of our understanding, that he had failed to find more tangible accusations.

59. Since all allegations pertaining to freedom of religion which have been noted by the Special Rapporteur in paragraph 53 of his report, have been quoted from his previous reports, therefore, there are no valid grounds or justifications for his conclusion that the situation regarding the freedom of religion and conscience has further deteriorated. Furthermore, according to the logic of the Special Rapporteur, attempts to apply the 1962 Act are considered a deterioration compared to the full application of that piece of legislation.

60. We fully endorse his call for support to the efforts of UNICEF Khartoum and the international organizations working with it and of UNICEF Nairobi to improve the living conditions of children all over the Sudan. However, to make the call more effective we urge him to do the following:-

(a) include in the call support for the national efforts whether by the Government agencies or national NGOs.

(b) develop a follow-up procedure for such call and report his findings whenever he addresses the situation of children in the Sudan.

61. Any concerns expressed by the Special Rapporteur regarding discrimination against women is not justified, since the Special Rapporteur himself has previously recognized the satisfactory status enjoyed by women in the Sudan including the right to equal pay which is not recognized currently in many countries and the right to vote. The statistics provided in the recent report of the Sudan submitted under the International Covenant on Civil and Political Rights, show that in one Government institution the percentage of women has reached 75%. Therefore, the figures of the women who lost their jobs at two State-owned media houses, as reported in paragraph 55, should not give rise to any concern since they don't relate to the total work force.

62. Due to lack of timely administrative coordination the tremendous efforts of the Government of the Sudan in investigating allegations of slavery and similar practices have not reached the Special Rapporteur, as he has rightly noted in paragraph 56 of the report. Therefore, we avail ourselves of this opportunity to bring to his attention the report contained in Annex (4) hereof which was prepared in response to his letter dated September 1996, after the investigation team has made a site visit for that purpose.

63. Annex (5) hereof which is a recent open letter from Mr. David Hoile to Baroness Cox and Christian Solidarity International explains in detail that all allegations of slavery and similar practices are baseless.

64. Other reports, including the 15 August 1996 progress reports prepared by the Committee investigating allegations of slavery and disappearances, would soon be released after the minor administrative difficulties have been sorted out.

65. If the Government is deliberately and indiscriminately using its air force to bomb civilian targets in southern Sudan, the majority of the civilian population would not have chosen to take refuge in the Government controlled areas despite their proximity to the international borders.

66. Taking into consideration all the aspects of the situation as described by our responses and the reports of impartial human rights observers as in Annex (5) hereof, we conclude that the situation of human rights all over the Sudan compared with other countries is reasonably good and it needs nothing more than cooperation and coordination rather than the confrontational and skeptical attitude of the Special Rapporteur resulting from lack of practical experience.

B. RECOMMENDATIONS

67. In the light of the above conclusions, the Government of the Sudan recommends that the Commission on Human Rights takes cognizance of the fact that:-

(a) the Government of the Sudan is reasonably complying with its human rights obligations under international law, and has taken practical measures to give effect to the recommendations made by the General Assembly and the Commission on Human Rights in the resolutions on the situation of human rights in the Sudan. Particular reference is made in this connection to the establishment of committees to investigate allegations of slavery and similar practices, and allegations of enforced and involuntary disappearances. Also, reference is made to the invitations extended to the Special Rapporteurs on religious intolerance and freedom of expression and to the Chairperson of the Working Group on Contemporary Forms of Slavery.

(b) the Government of the Sudan is reasonably complying with applicable international human rights instruments whether in its practices or in the promulgation of its national legislation, and that it is keen that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, are enjoying the rights recognized in those instruments.

(c) the Government of the Sudan is exerting utmost efforts to ensure that its aerial bombardments do not affect any civilian targets.

(d) the Government of the Sudan is treating detainess and prisoners according to the strong guarantees and safeguards provided for in the laws, and that it has taken legal measures and brought to justice all officials and law enforcement officers who have violated the law, whether such violation is torture, ill-treatment or otherwise.

(e) there are no secret detention centres and all accused persons are granted due process of law, and that lawyers and family members are allowed to visit the detainees.

(f) the Government of the Sudan is exerting utmost efforts to ensure that its security forces, army, police forces, PDF and civil defense groups are properly trained and act in compliance with the standards set forth in international law.

(g) the Government of the Sudan has established independent committee, to investigate all alleged cases of violations, including the

investigation of the killings of Sudanese employees of foreign organizations.

(h) the Government of the Sudan denounces all policies or activities that support condone, encourage or foster the sale of or trafficking in children, the separation of children from their families and social backgrounds, or that subject children to forced internment, indoctrination or cruel, inhuman or degrading treatment or punishment. And that the international community is called upon to support the Government policies concerning children.

(i) the open-door policy of the Government in the field of human rights has allowed for free access to all areas of the country to many individuals and institutions including the following:-

- The Special Rapporteur himself on many occasions.
- The Special Rapporteur on religious intolerance.
- The Delegation of the African Commission on human rights.
- Election observers from the OAU.
- Election observers from the OIC.
- Election observers from the Arab League.
- Observers from the UN electoral unit.
- Foreign parliamentarians from many countries.
- High ranking foreign officials
- Diplomats accredited to the Sudan.
- Regional and international humanitarian organizations.
- The representative of the UN Secretary General for displaced person.
- Pope John Paul the Second.
- The Arch Bishop of Canterbury.
- Representatives of human rights organizations.
- A representative of Human Rights Watch International.
- The Lawyers Committee for Human Rights.

Therefore, the Commission on Human Rights, in assessing the need for the placement of human rights field officers as contemplated in its resolution 1996/73, should conclude that there is no such need, since the Government open-door policy guarantees a regular flow of reliable information about the situation of human rights in the Sudan, and the resources available, if any, should be allocated to meet the assistance and technical support for the Government. Bearing in mind the fact that the Commission on Human Rights has promised, in its resolution about the situation of human rights in the Sudan adopted in 1991, to respond positively to any request for assistance made by the Government of the Sudan. Nevertheless, no assistance has been granted despite the repeated requests made by the Government of the Sudan, and despite the

call made by the Special Rapporteur in his interim report to the UN General Assembly in 1996 to give priority support to the practical measures undertaken by the Government of the Sudan to investigate alleged human rights violations, and to improve the flow of information. And in this connection we would like to draw the attention to the fact that the above mentioned call made by the Special Rapporteur has been reiterated once again in paragraph 59 (g) of his report under consideration, and we call upon the Commission on Human Rights to reflect such call in its resolution.

(j) the foreign armed aggression on the east, south-east, south and south-west borders of the Sudan is a clear violation of the UN Charter resulting in massive human rights violations and should cease immediately, and that effective measures should be undertaken to remedy the situation and bring those responsible for it to justice.

(k) all rebels who have not yet signed the Peace Charter should do so as being the best alternative for the peaceful solution of the armed conflict in the country, and that they should prevent violence against civilians, including torture, extra judicial executions and other deliberate and arbitrary killings and arbitrary detention.

(l) all parties involved in the OLS should strictly apply the resolution adopted in that connection by the UN General Assembly in 1996.

(m) the international community should support the Government policies for addressing the problem of displacement all over the country which create appropriate conditions for displaced persons and Sudanese refugees in neighbouring countries to return to their homelands.

(n) in reassessing the need for the placement of human rights field officers as required by the resolution adopted by the Commission on Human Rights in 1996, the Commission should abandon such unnecessary escalation, since the effective practical measures undertaken by the Government of the Sudan and recognized by the Special Rapporteur, facilitate improved information flow and assessment, and help in the independent verification of reporting, with particular attention to violations in areas of armed conflict.

* See Annexes 1-5. (Annexes 1 to 3 are available for consultation in the files of the Secretariat.)

Annex 4

Report on the field visit to the States of Bahar al Jabal and Jongolie during the period 16-30 November 1996 to investigate cases of enforced or involuntary disappearance

Chapter I

Arrangement of the visit

On 18 September 1996, the Rapporteur of the Advisory Council for Human Rights transmitted to the Committee to Investigate Cases of Enforced or Involuntary Disappearance the recommendations and observations of Mr. Gaspar Biro contained in his letter No. G/S214 (80-2) of 6 September 1996. The Council's Rapporteur recommended to the Committee that the necessary action should be taken to ensure the immediate implementation of the Special Rapporteur's proposals. At the first meeting held on 25 September 1996 subsequent to the above-mentioned letter, the Committee considered the recommendations and concluded that some had already been implemented by the Committee since its meeting with Mr. Biro in Khartoum in August 1996 at which he had presented all his observations orally. At that meeting, an integrated plan of action covering all the other recommendations was formulated with a view to their implementation.

The Committee also considered paragraph (5) of Mr. Biro's recommendations concerning the following allegations:

1. The kidnapping of children from villages along the Babanusa-Wau railway line in June-July 1993;

2. The transfer by the Commander of the military area of 27 students from Bor to Gezira in May 1996; and

3. The disappearance of a citizen named Antoine Elario Wani, an engineer, following his arrest on 13 August 1993.

In accordance with established practice, the Committee contacted the competent authorities, namely:

1. The Armed Forces;

2. The Internal Security Services;

3. The Unified Police Force;

4. The Sudanese Red Crescent Society.

The Committee requested the above bodies to provide it with the following:

1. Any information or testimony confirming or refuting the allegations;

2. Any communications or complaints by citizens connected with these allegations.

Representatives of these bodies on the Committee were requested to follow up any such information received and to provide it with any replies received.

Meanwhile, the Committee continued to publicize its work in the newspapers and to call on citizens to submit to it any complaints concerning cases involving involuntary disappearances, slavery or slavery-like practices in any area of the Sudan (annex No. 1).

An inquiry was initiated in Khartoum when the Committee learned that the Commander of the Bor region was actually in Khartoum. The Committee convoked him to ask about the allegation that he had taken 27 students from the city of Bor to Al-jazira. The Commander of the region, Brig. Gen. Hassan Mohammadan Hamdan, 48 years of age, then provided the Committee with the following information.

> "When the army entered the region of Bor, seeking to provide stable conditions for citizens, we set up a complex comprising a nursery home, a primary school and a basic (intermediate) school. In general, the army was providing children and citizens with food, drinking water and clothing. It was also providing education and taking care of children and citizens in general as part of the army's duties in time of peace. Thus a great number of children from the villages of the region, who were sent by their families for education and to enjoy stability, began to arrive. After the situation had been stabilized, the State Government assumed responsibility for educational activities, while support in kind continued to be provided by the army. Pupils showed distinction in their studies and soon outgrew the primary education level, and because of the absence of secondary education in Bor for lack of interest on the part of teachers to work in that region, it was decided to provide the children concerned with education in the north. The Governor initiated contacts with the Hanan Model Village with a view to providing education to those who had completed their primary education. The village agreed to accept a limited number of pupils in April 1996. When the transport boats arrived in May, the police official was instructed not to allow any child to leave without the consent of his parents, particularly after the influx of great numbers of children who wanted to leave and receive education in other regions of the Sudan. This was done when Colonel Khamees, the police chief in Bor, took charge of matters. Many children were not allowed to leave or travel and were handed over to their relatives after the departure of the outgoing groups. This all took place under the supervision of the Ministry of Social Affairs and Education in that State. No parent of a pupil has come to me asking for the return of his child. On the contrary, at the end of my assignment which had lasted from December 1994 to July 1996, some parents asked me to take their children with me in order to provide them with education and to enrol them in schools in the north. But I couldn't do that for reasons related to their subsistence, travel and accommodation; it was difficult for me to

take them despite the insistence of their relatives and I took no one with me. I had no role whatsoever in the departure arrangements of any of the children in question."

Chapter II

Departure for Juba

The delegation leaving for Juba, headed by the Rapporteur of the Committee, the representative of the Sudanese Jurist Association, Justice Salah Al-Mubarak, included Lieutenant Colonel Engineer Hassan Saleh, representing the armed forces, Major Abdel-Halim Joma'a, representing Internal Security, and Legal Counsellor Amin Mustafa, from the Ministry of Justice. It left Khartoum on a regular flight in the morning of Saturday, 16 November 1996, and arrived in Juba at noon, the same day. The Committee immediately embarked upon its work by talking to the Commander of the Equatorial Region, General Abdalla Awad Shaqf, 52 years of age, who reported on the circumstances of the travel of pupils from Juba to Al-Jazira as follows:

"I was visiting Bor before the departure of the pupils and was told that the city of Bor had only one primary school but no secondary schools and that the children of the area, who are excellent in assimilating the education provided and very intelligent, wanted to complete their studies in the north. I then inquired about the opinion of the Governor, who was not then in Bor as he had gone in connection with certain duties to Khartoum, and was told that he was in agreement with that idea. I asked them to make sure that no parent of any pupil was against the continuation of his child's education in the north or to ask him to accompany his son so as to reassure himself about his child and his place of residence. The State coordinator confirmed to me that he had received his education in the north until he graduated from the university and that this was only natural. I was surprised when the Minister of Social Affairs stated in July 1996 that he had brought pupils with him from Khartoum and wanted to take them back to Bor. As we had then no means of transporting them to Bor, we arranged for them to study in Juba so that they would not lose a scholastic year. I wrote to our garrison in Bor, inquiring how those pupils were able to leave. They replied that they had left with the consent of their parents and that of the local authorities, and that it was the police colonel who had supervised the process of obtaining the consent of the parents. When I asked them whether there had been any protest on the part of parents or citizens they replied in the negative. The pupils were accommodated at the headquarters of the Coordination Office of Jongolei State here in Juba until such time as means of transport became available. We were able to move half the pupils on Thursday, 14 November, and will take the remaining ones back when means of transport in Bor become available. I also contacted the Governor who confirmed that the level of education in Bor was low and that he had wanted to move the pupils to Hanan village to receive education there, but was surprised when that question was raised by certain persons in a way that took it completely out of that context, and he therefore decided to return all the pupils immediately to Bor so that citizens might be reassured there."

The Committee's second question to the Commander was about the alleged disappearance of Engineer Antwan Elario Wani. He said, "I have not heard of that name before, for I took over this area after the date in question - the allegation stating that the detention was carried out in 1992 - but I will investigate the matter and report back to the Committee."

The members of the Committee talked with Jongolei State coordinator Al-Nour Okir Aling, 35 years of age, from the Anwak tribe in Fashala, who is the supervisor of pupils in Juba. They asked him about the circumstances of this matter. He said:

> "There is neither education nor teachers in Bor. The State tried to bring in teachers from among the people of the region and meanwhile university graduate members of the armed forces took over the education of children. Some pupils reached a good level but they had to complete their secondary education so as to be able to carry out their role in the region in the future. Hanan village, which supervises the education of orphan children, had expressed its willingness at the beginning of the school year to accept a number of pupils if they passed an examination qualifying them for schooling at their educational level. A total of 25 pupils were selected and were sent there for that purpose. Opposition circles subsequently spread a rumour alleging that these pupils were taken there in order to be sold in the north. This frightened their parents. Since the schools of Hanan village had not yet opened, the State Government decided to return the pupils to Bor and they were brought back. As there were no means of transport available in Bor, they stayed in Juba under the supervision of the State and were enrolled in schools in Juba."

The Coordinator also informed the Committee that he himself had received his education in the north and that his elder brother, named Hammad, had also wanted to receive his education there but as their father had been unable to afford the cost, a man from Kadqi, named Miso, had taken him and he had been educated there and joined the Military Academy. His brother was now a lieutenant colonel in the armed forces.

The members of the Committee then went to the residence of the pupils in Juba and talked with a student named Ali Shol, 17 years of age, who said, "I was studying and living at the Bor complex because I am an orphan, having no living parent. I passed the examinations and was among the top pupils at the complex. After we arrived, it turned out that Hanan village was not ready to receive us because courses there start in August, so we returned to Juba on 17 August 1996 but found no means of transport to Bor". The Committee then talked with a pupil named Ajack Myang, 16 years of age, who said, "When the army entered Bor in 1992, there were no schools. The army set up the complex and provided us with food and education. I was among the pupils who passed the examination for admission to the schools of Hanan village. I was very happy, because the competition was very intense. I went to Hanan village because of my desire to receive education anywhere. I told my mother and she agreed to my travel."

We also talked with Mark Abdin, a 24-year-old student, who said, "The army opened the complex which consists of a shelter home and a school. My father is dead. I joined the complex and had occasion to appreciate the

army's care, compassion and concern for education. I was studying hard so as to be among those who would travel to the north. But Hanan village schools were closed and we came back. We have now been in Juba for four months, because there is no transport to take us back to Bor."

The question that we invariably asked all of them was whether anyone was forced to travel against his will. Every student confirmed, on the contrary, that this was his hope and that he wanted to travel to be educated. The next question was whether the relatives of any pupil had refused to let him travel to Hanan village. The answer was in the negative.

Members of the Committee also talked with the Commander of River Boats, Lt. Col. Hassan Ahmad Al-Taher Khairy, 49 years of age, who informed us that:

> "These boats are a means of transport used by citizens, civilians and military personnel alike, to move from north to south and from south to north. We don't concern ourselves at all about the purpose of their travel, for everyone is free to go wherever he wants by whatever means. This may fall under the competence of other bodies, but we simply provide a means of transport. Lately, however, as boats have come to be used by large numbers of citizens, we have started to look into the reasons for their travel on board our boats. As regards military personnel, they must have the written approval of the unit to which they belong and civilians have to explain the reasons for and circumstances of their travel. As far as those pupils in particular are concerned, I fully recall that Col. Khamees Myan, the Police Chief in Bor, prepared a list of passengers from Bor, including pupils. Since he is from Bor, he used to make sure himself that those in charge of each pupil or child approved their travel. He arrested a number of pupils who sneaked on board the boat against the will of those in charge of them. After he had completed his check, we left Bor. Every citizen has the right of movement. It happens so frequently that pupils travel with us either from south to north or vice versa on holidays. This is quite normal, particularly since river boats are the only and cheapest form of transport available."

Following the Committee's meetings in Juba, its members met members of the Government of Bahr al-Ghazal State after it was told of the arrival in Juba of an aeroplane belonging to the armed forces. The task of the Committee was concluded successfully as the military command had prepared the plan for us and supplied it with fuel in preparation for transporting us and the pupils to Bor.

Chapter III

Departure to Bor

We left Juba in the early morning of Sunday, 17 November 1996, accompanied by the 11 remaining pupils. Among those leaving was the Coordinator for the Province of Jonglei, the Intelligence Director and the Security Director at Juba. When we reached Bor, the Coordinator arranged to have some pupils sent back to their parents. A greater number, however, was sent to the Compound. We immediately headed for the Governor's Office, where we met the Governor of Jonglei, Eng. Al-Sheikh Beesh Akor, who is from

Dinkabor. The Commission explained to him the nature of its mission and inquired about the circumstances surrounding the pupils' departure. He said that "In 1992, following the recapture of Bor, several came back, including a group of children who had been forcibly enlisted in what is called the Red Army. They were homeless, ill-clothed and had no food. The armed forces sheltered them. I was at that time Deputy Governor of Jonglei. Members of the armed forces and I thought of setting up a school for these children. The army undertook the construction of the building, using locally available materials. I then went to Khartoum and asked the Federal Government to provide the school with the necessary notebooks, textbooks and other supplies, which were sent to Bor through UNICEF. That is how the Compound was started. We continued accommodating returnee and orphan children, as well as children still staying with their parents in Bor. The Compound is at present under the supervision of the Ministry of Social Affairs, following the formation of the Provincial Government.

In 1995, we proposed to the Hanan pilot village managers that they should each year accommodate a given number of children from the provincial governorates of Fashala, Foum al-Zaraf, Acobo, al-bibour, al-Canal and Bor in order to assure the region's future educational needs. We waited for a response from the Hanan pilot village management regarding its acceptance.

In April 1996, as I was leaving for Khartoum, I informed the Minister for Social Affairs that - during my absence - a reply might be forthcoming from the pilot village management concerning the acceptance of some children, and if so, arrangements should be made to send them. In point of fact, these pupils were assembled in May on the arrival of the river boats and sent off. However, the pilot village did not open for classes on the appointed date and when rumours began to spread in the Province, we examined the situation and suggested that, to put an end to such rumours, the pupils should be sent back to Bor. We accordingly sent the children back to Juba in June 1996. Twenty-five were sent back, 22 to Juba from Khartoum, and 3 others joined their families: one went to his uncle in Khartoum and the other two travelled with their mother, who left them with her family in Roufa'a. The pupils had to stay in Juba for four months because there were no means of transport to Bor. However, they were under our supervision and we were able to send half of them back three days earlier, on 14 November 1996. Since the others were brought by you to Juba, the number of pupils who left the Compound is accounted for, namely, 25 and not 27 as alleged, even though the actual number that left by boat was 38; the remaining 13 pupils went to continue their education with parental approval to various regions in the Sudan. They travelled because they were eager to learn but they were not supervised by the Compound; the latter took care only of those demonstrating a high level of academic achievement, namely, 25 pupils. The Hanan pilot village agreed to accept only that many. Teaching standards in Bor are low. Members of the armed forces are called upon to teach because of a shortage of teachers, while the number of pupils is growing steadily. The educational situation in the north is the usual one. I myself, for instance, received my primary education in Juba, my secondary education in Malakal and my higher education in Khortaga'at, Kordofan. Most of the educated people from the south who now hold high office within and outside the Sudan were educated in different regions of the Sudan.

We then talked with Police Colonel Khemais Mian, Head of the Police Force, who is from Dinkabor. He stated that: "In my capacity as chief police officer, my task was to supervise persons embarking on and disembarking from river boats, which I carried out in cooperation with other security groups in Bor. I was aware of the fact that some pupils from the Compound were to be sent to Hanan pilot village, as soon as it opened in August this year. As the river boats were due to arrive in May, it was decided that they would be used to transport the children. All those who left on board those boats did so with parents' consent. There were 38 of them in all. Twenty-five pupils were from the Compound and the rest travelled with their parents' consent. Those whose parents refused to let them leave did not board the boats. Although they strongly insisted on going we did not allow on board any pupil whose parents did not agree to their travelling.

The Committee also talked with Colonel Abdul-Rahim Mohammad Ahmed Said, Commander of the Bor Military Region, who stated: "When the armed forces entered Bor on 14 April 1992, families and children flocked together for fear of the rebels and in search of stability and better treatment by the army. Members of the armed forces sheltered them and gave them some of their own clothing. Some of the pupils were extremely hungry and afraid. The army gave them food and opened this Compound to provide them with shelter and education. There are orphans, returnees and others whose parents may be living 20 to 30 kilometres away in nearby villages. Some of the pupils went to see their families but they soon returned, fearing that they would be forcibly enlisted by the rebels. The Compound provides shelter, meals and education. Members of the armed forces teach the children and prepare their meals in the Compound."

The Committee later met Mr. Ajac, a father of three children who had returned recently to Bor. He said "My sons Khalid, Ibrahim and Abdullah left with my consent because I want them to get a good education in any region of the Sudan so that they can help me in future".

The Committee also talked with the mother of Abdullah and Youssuf who are among those who stayed in Roufa'a. She said "When the army arrived in Bor, the children were exhausted and hungry - the army provided them with shelter and education. My sons were among them. I travelled with them on board the same river boat. When the remaining children were sent back from Gezira, I left my sons with my sister and maternal uncle in Roufa'a. He is a teacher at Sheikh Lutfi school, and his name is Garang Elio; I want a good education for my sons because educational standards in Bor are low. They had been enrolled at a local school in Roufa'a."

Finally, members of the Committee visited the Compound and were able to see for themselves the sanitary conditions and the care provided. They met all the pupils there and urged them to work hard so that they get an education which would ensure their success in life. They also met members of the armed forces who were teaching them. The Committee was able to see for itself how the armed forces cared for the children and their dedication to the educational process so that peace and security could prevail in Jonglei Province.

On its first day in Juba, the Committee broadcast an announcement over the local radio saying that it had arrived to take note of and investigate any allegations or complaints by any citizen regarding cases of enforced or involuntary disappearance. Members of the Committee were interviewed by the local TV station in Juba. During that interview they explained its composition, its task and areas of competence and said that it should be informed of any case of enforced or involuntary disappearance reported. The bodies concerned, such as offices of the Public Attorney and the Police, were instructed to find facts and to inform the Committee accordingly. However, up to the time this report was prepared the Committee received no complaint or allegation despite repeated announcements made over the radio and in the written media.

Chapter IV

Results of the visit

The Committee to Investigate Cases of Enforced or Involuntary Disappearance carried out fact-finding field visits to Bahr al-Ghazal and Jonglei states during the period 16-30 November 1996 in order to investigate the allegations contained in the letter transmitted to it by the Special Rapporteur, Mr. Gaspar Biro. The Committee reached the following conclusions on the basis of its visits:

I. Concerning the allegation that 27 students were transferred from Bor city in May 1996

1. The inquiries and investigations carried out by the Committee and reflected in this report do not indicate that the Commander of the military area, Brigadier-General Hassan Mahmadon Hamdan, played any part in the transfer of students from Bor city to al-Ghazal.

2. The transfer of the students was motivated by the desire of the Government of Jonglei State to enable them to continue their studies, since secondary education facilities were lacking in Jonglei.

3. The students were transferred in response to their desire to continue their studies and with the consent of their parents and under the supervision of the competent authorities of Jonglei.

4. The number of students transferred was 38, including 25 who were transferred under the supervision of the educational complex (Almujama) to continue their studies in the Hanan pilot village. The other 13 students travelled with the consent of their parents to various areas in the Sudan in order to continue their education.

5. The Committee found that of the total number of students who had been transferred to Hanan village, 22 were subsequently returned to Bor - 11 on Thursday, 14 November 1996 (annex 2), and 11 on Sunday 17 November 1996, accompanied by members of the Committee in an armed forces transport plane (annex 3).

6. As for the remaining three students, one is living with his uncle in the neighbourhood of Khartoum airport, as indicated by the Governor, while the other two (brothers), according to the testimony of their mother, are living with their uncle Garang Ilyo, a teacher at Sheikh Lotfi Burfaa' school.

7. Owing to the rumours circulated by the rebel radio station and the fact that the timing of the transfer was unfortunate in that it did not coincide with the beginning of the school year, thereby causing apprehensions among some of the families of the students, the Government of Jonglei State decided to return the students in order to reassure their families.

8. The delay in returning the students who had to remain in Juba for a while was due to the lack of means of transport to Bor city during that period.

9. All the students are now in the Bor educational complex where they are continuing their studies.

II. Concerning the disappearance of engineer Antoine Elario Wani following his arrest on 17 August 1993

The Committee held a meeting with the Commander of the military area on the first day of its arrival in order to look into this allegation. The Commander promised to carry out an investigation and to inform the Committee accordingly. The Committee talked with the Commander once more in the presence of the Chief of the Military Intelligence Division, who gave the following explanation. Engineer Antoine Elario Wani had been instructed by the rebels to distribute leaflets urging students to flee to Uganda in 1992. He had also led a rebel unit in the Gazirat Gandigro and Juba airport area during the attack launched by the rebel forces on Juba in 1992 during which he was arrested. A state of emergency was proclaimed in the Juba area throughout which the emergency law was enforced. Even so, a warrant to arrest Wani was requested and issued by the Office of the Attorney General. He was subsequently tried together with a number of military personnel and civilians and sentenced to death. The court's sentence was carried out after confirmation by the President of the Republic in his Decision No. 202 of 1993.

A Report on the field visit to West Bahr ElGhazal State during 13 - 17 January 1997, to investigate the allegations of Enforced or Involuntary Disappearances

Chapter I

Arrangement of the visit

After the Commission has examined the letter of the Special Rapporteur, Mr. Gaspar Biro, No. G/5214 (80/2), dated 6 September 1996, in which he requested, in paragraph (5) of his recommendations, that the Commission carry out an urgent investigation of the allegation that children were kidnapped from villages along the side of the railway line of Babanusa-Wau.

The Commission, according to its mode of action, began by contacting competent authorities, particularly:-

1. The Armed Forces
2. The Unified Police Force
3. The Internal Security Apparatus
4. The Sudanese Red crescent

The Commission requested these authorities to provide it with:-

a. Any information or notifications confirming or denying these allegations.

b. Any reports or complaints from citizens about these allegations.

The Representatives of these authorities in the Commission, were requested to follow-up these correspondence and inform the Commission of any reply that might be received from these authorities. (Annex No. 1).

At the same time, the Commission continued to intensify advertising, in the newspapers, information about the work and place of the Commission and appealed to citizens to present the complaints to it and inform it of any cases of enforced or involuntary disappearances that occur in any area of the Sudan (Annex No. 2).

The Commission received a reply, to its correspondence, from the Internal Security Apparatus reporting that no notifications or complaints were received from citizens about this allegation (Annex No. 3). The Commission also received a reply from the Sudanese Crescent Society reporting that its division concerned with the Search of Missing Persons has not received any requests for such search and has no information about the kidnapping of children from the villages along the sides of the railway line of Barbarus-Wau, in June/July 1993, and that the Society will certainly convey to the Commission any information or notification in this respect (Annex No. 4).

In its meeting no. (21), on 30 October 1996, the Commission decided to carry out a field visit to West Bahr El Ghazal State (Wau City), for a fact-finding investigation of the allegation of kidnapping children from the villages along the sides of the railway line of Babanusa-Wau in June 1993.

Chapter II

Departure to Wau

The Delegation leaving to Wau was headed by the Rapporteur of the Commission (representative of the Sudanese Jurist Association, NGO), Judge/Salah El Mobarak, and membership of Colonel/Hassan Salih (representative of the Armed Forces) and Legal Adviser/Amin Mustafa, from the Ministry of Justice. The Delegation left Khartoum, Tuesday morning, 14 January 1997, by air in a UNICEF Aircraft and arrived the same day at noon. Having explained, to the Government of the State, the mission of the Commission began its work by listening to the Acting Governor, Mr. Eryel Longar Akol, the Minister of Peace and Reconstruction, who told them the following: "despite the multiplicity of tribes and diversity of cultures in this wide area, it is one of the areas which enjoy stability, security and tolerance. On the date of this allegation, I was not a Government Official, but I was present in Wau. I never heard of this allegation. I remember that the problem was about taking cattle and not children. When the cattle were brought to Wau, the Governor at that time, Mr. George Kingor, now Vice-President of the Republic, solved the problem and the cattle were returned to their owners. When I became a Government Official, I did not find in our records any complaint or allegation of kidnapping children. Since 1994 nobody raised this issue." The Commission also met the Minister of Health of State, Dr. Michael Milly, who stated that: "This state is one of the states dominated by solidarity and cooperation. IT has an orphanage and home for children of poor families in the state, which is also shelter for children coming to it from the states affected by the war. People with such a sentiment can not keep silent about such an allegation if it was true; and I have never heard of any notification related to it in this state." Then the Commission met Mr. Steven Neglito,

Governor of Algore Governorate, who said: "This state enjoys the domination of the Rule of the Law. the righteous humanitarian nature and traditions of the tribes of this region are above any other values. Hence, there are no human rights violations in this state. As regards this allegation, the simple proof of its fallacy is that the Vice-Governor, whose niece the allegation said was kidnapped, is named Abbaker Mustafa, now the Chairman of Aweel Council, and what happened to his family home was an ordinary theft and he himself caught the thieves. This has nothing to do with the train mentioned in the allegation".

The Commission also met Mr. Mustafa Biong Mejack, Director General, Ministry of Culture, who stated the following: "On the date of this allegation, I was working as a Journalist. I heard in some foreign broadcasts the rumor about the kidnapping of children. By virtue of my work, I wanted to have a sensational report in the Press. So I did an investigation of this issue. I knew many of those who came in that train; but I found that the allegation is baseless. As an information officer now, I did not find any information confirming these allegations". On that day, the Commission continued its meeting with officials and local authorities. It met the Commander of the Military zone of Bahr El Ghazal State, Brigadier Dr. Omer Abdel Majd Sid Ahmed, who said: "During all our stay in this area, we have not heard of the kidnapping of children. In fact the only means of transportation of citizens in general to Wau is the train which comes once a year, carrying supplies thousands of people from different tribes and areas, from the North to the South or vice versa. The length of this railway is about 1'440 kilometers. The train is guarded by members of the armed forces and the militia which are semi-military forces under the Military Commander and act only by orders from the Armed Forces. As the Commander of Bahr El Ghazal Military Zone, I have not received any complaint or notification pertaining to the allegation".

Then the Commission met Mr. Luka M. Hassan, Acting Director of the Police of the Western Bahr El Ghazal State, who said: "I have been here as a Police Officer since 1983 and never received, in this State, any notification or information about enforced disappearance, except cases of disappearance of children in areas under the control of the rebels. As for the kidnapping of children in 1993, it is merely an allegation and there are no notifications or information in the Police records in the State confirming such allegations.

The Commission met the Acting Chief of the Legal Department and the State Consultant, Mr. Abdullah Mohamed Nur, who denied the allegations and assured that cases of kidnapping girls, for example, are part of tribal traditions in the area and end, without going to courts, by the interference of Sultans and mediators in what is known as marriage traditions and after approval by relatives of the parties.

After these meetings, the Commission announced, through the local radio and television in Wau, its arrival in the Western Bahr El Ghazal State and called upon the citizens to present any allegations or complaints about cases of enforced or involuntary disappearance. Through the mass media, the Commission requested the citizens to provide it with any information relevant to its mission in Wau, particularly the allegations about the kidnapping of children.

On the next day, the Commission continued the investigation with the Sultans in the West Bahr El Ghazal area, since they are very close to the people and their problems in these communities. The Senior Sultan/Andrea Kir, 72 years old, said: " no one complained to me about this allegation, though people can knock the door of the Sultan at any time they wish and for anything they want or complain of. In 1993, the allegation was about taking cattle of citizens from some villages. We notified the official authorities which actually interfered and settled the issue by giving the cattle back to its owners. Other than this nobody reported any other allegation".

The Commission also met Sultan Makeer Mading (60 years old and Chief of the People's Court in Urul) who said: "I was one of the Supervisors of guarding the train referred to in the allegation and I participated in the investigation about the issue of the cattle taking until the cattle return to their owners. But there was no allegation about taking or kidnapping children or their enforced disappearance. I, as a Sultan, did not accept taking the cattle of our people. How about their lives?" The Commission met many Sultans, including Sultan since the early fifties and others who did not leave the area of Bahr Ghazal for more than 30 years, like Sultan Lugi Medoor (54 years old), Sultan of the Northern Jedid District in Wau, who said: "This allegation can not happen in this area which is beginning to enjoy stability and endeavours to maintain peace internally, which can not be accomplished except by promoting the values of peace, justice, equality and giving everyone his right. This is beginning to happen in recent years. So if the manifestations of this allegation occur, they would have been terminated by us leaders and Sultans of tribes in conformity with these values and the rule of the law".

In continuation of its investigations and meetings with non-governmental bodies concerned, the Commission met the Director of the UNICEF Office in Wau, Ms. Rose Powlino Wadin and asked her about how far their office knows about the allegation of the kidnapping of children in 1993. She replied saying that: "The UNICEF Office in Wau was opened in the same year of this allegation. It is the main office for all the area of Bahr El Ghazal. It has a division concerned with the search for mission persons. But the division did not receive any requests in this respect. As for my personal knowledge during all my stay in this area, I did not hear of this issue. Children, in general, because of the difficult living conditions and the State of war in the area, creep voluntarily into the train seeking better conditions and safe places in the North.

We carried out a documented study of the conditions of children in Wau and peace villages, in cooperation with the Ministry of Social Affairs in the State. We found that the majority of children (60.36%) are migrants. The percentage of orphans was 37.31%. In addition about 51.6% of the children dropped out of school for different reasons. They live in a complete vacuum, which makes them fond of travel and the life of adventure. I will give you an example of a children one of our employees in the UNESCO. He left the school and creeped off with a group of vehicles of the armed forces to an area outside Wau. We were looking for him and when we reach the location of the group, he used to hide voluntarily. At last we found him. We were told by the Commander of the group that they discovered his presence with them after they went out for a long distance and so he decided to keep him with them fearing for him from going back alone. The motive of the child was only the love of adventure". The Commission met the child's father, Mr. John Betik, and Engineer with the Water Supply Authority and delegated to work with UNICEF, who confirmed the report.

In the conclusion of its visit, the Commission held a meeting with the Committee of Human Rights Education in the State. The Rapporteur of the Committee, Mr. Turgoman Ramadan Turgoman, a Lawyer, made the following explanation saying: "This Committee was formed on 21 July 1996, in response to a note from the Minister of Justice, the President of the Advisory Council for Human Rights. It comprised in its membership citizens of the area from various tribes, religions and cultures, to undertake, according to the decision of its formation, the duty of examining the observation of Government bodies commitment to the State. It also undertakes the organization of symposia, lectures and meetings in the state for promoting the awareness and observance of Human Rights. The Committee conducted its work in propagation of legal awareness, in cooperation with the Ministry of Education. As regards this allegation, the Committee has no information about it.

Nevertheless, there are some information about kidnapping a number of Dinka children at ages between 7 - 14 years and forcibly recruited by the Rebellion Movement in its armed forces and sometimes exploited them to carry ammunition and equipment in the areas under its control. This was happening since 1993. As regards the allegation of kidnapping children from villages on the sides of the railway line, it was not proved to the Committee". The Delegation of the Commission took note of the achievements of the Education Committee in respect of improving the conditions of prisons and inmates in the State, as well as providing assistance to the Peace Villages in the Eastern side and propagation of the spirit of peace and enhancing basic rights and public freedoms among the citizens of the region.

The Commission interviewed the child Agwera Dim Dud (15 years, from Dinka Gogerial) and the child Luka Akol Mejack (16 years, from Dinka

Gogerial). Both confirmed that they suffered such exploitation by the rebels on their way from Gogerial to Wau in 1993.

Chapter III

Results of the visit

The Commission for investigation of enforced or involuntary disappearances, carried out a field visit to the West Bahr El Ghazal State during the period from 13-17 January 1997, for the purpose of fact-finding and investigation about the allegation of kidnapping children from the villages along the sides of the Babanusa-Wau railway line. For the sake of getting the facts, the Commission held meetings with official and non-governmental bodies as well as with citizens. It reached the following results:

1. There are no allegations or complaints from citizens as regards this allegation.

2. Though the Special Rapporteur, Mr. Gaspar Biro mentioned in his letter to the Commission that this allegation is well known among the citizens in Wau, the Commission, during all its stay in Wau and intensification of its announcements through the mass media in the city, did not receive any complaints from citizens confirming this allegation; but on the contrary, all the information received denied this allegation completely.

3. It was proved to the Commission, that the niece of Mr. Abbater Mustafa, the Vice-Governor in 1993, was not kidnapped at all.

4. Children and adults take the train voluntarily since it is the only safe means of transportation in their search for better conditions in the North and their desire to keep away from rebel areas.

5. Kidnapping of children is done by the rebels to forcibly recruit them in the rebel army and sometimes they disappear temporarily for the purpose of exploiting to carry supplies and ammunition of the rebels.

6. Some members of the tribes assured that cases of girls kidnapping in this area is part of the customs and traditions of these tribes and they are proud of it. The problem is solved by Sultans and mediators without official interference.

ANNEX (5)

Sudan, Propaganda and Distortion: Allegations of Slavery and Slavery-related practices

An Open Letter to Baroness Cox From David Hoile

I write this open letter with considerable sadness and regret. You will remember that we worked together on some political issues relating to Mozambique several years ago. As you may also know I have long admired much of your political and educational work within the United Kingdom. I must state, however, that I have become increasingly concerned at the nature and direction of your recent work on Sudan, and feel that I must publicly address you on this issue.

Sudan and its problems have been in the headlines for some time. We in the West have a responsibility to take a measured approach to African and Middle Eastern issues, particularly when the repercussions of distorted images can only but worsen already difficult situations. This is particularly the case with Sudan and I have to say that I have grave concerns at the way you and Christian Solidarity International, the organisation with which you are closely identified, have approached the issue of Sudan. Much of your work and that of Christian Solidarity International on Sudan has centred on allegations of slavery within that country. Quite frankly, for all the somewhat sensationalist claims and allegations you and CSI have made, the evidence to support such grave claims is simply not there. While the government of Sudan may well have been guilty of human rights abuses within the course of the Sudanese civil war, your reports do not in any way produce credible evidence of a slave trade, certainly as we in the West would understand it, within Sudan or of any governmental involvement in this alleged trade. I am sad to say that your reports have served merely to further distort an already difficult situation and have added a further layer of misunderstanding.

Paradoxically you have openly associated, and continue to associate yourself, with people and organisations closely identified with what would clearly qualify by your definition, and that of several human rights organisations, as slavery and forced labour. These people and organisations include Sadiq al-Mahdi, the Umma party president and prime minister of Sudan from 1986-89, and John Garang and his faction of the Sudan Peoples Liberation Movement/Army (SPLM/A). Several of your visits to Sudan, for example, are within areas of the country controlled from time to time by SPLA gunmen.

As detailed further on in this letter, reports on Sudan by Christian Solidarity International have lacked any sense of balance and objectivity and have been somewhat selective in their reading of recent Sudanese history. The reports, for example, have made no mention of the thousands of adult black Sudanese and young boys who have been abducted or kidnapped by the SPLA and subjected to forced conscription and forced labour, practices which by your own definition qualify as the practice of slavery.

It is very important, therefore, to examine the allegations of slavery within the Sudan in considerably more detail than the somewhat sensationalist and partisan way in which they have previously been presented.

The Slavery Allegations

Allegations of slavery have characterised much of the propaganda levelled at the present government of Sudan. The issue of slavery is a very emotive one within the Sudan. Much of the history of nineteenth-century Sudan is marked by a slave trade closely identified with the Turkish-Egyptian colonial authorities, slavery being therefore very much associated with Egyptian colonialism. Those who level accusations of slavery touch a raw nerve with the Sudanese. Those who have made such allegations, allegations that the Sudanese government condones and encourages institutionalised slavery, have, however, not provided the evidence necessary to justify such grave accusations.

The slave trade as it existed in nineteenth-century Sudan involved the Turkish-Egyptian colonial authorities, their Arab servants and slavers and dominant black tribes in southern Sudan who supplied many of their captives as slaves to the slave traders. As Gray records, one of the most prominent southern slave dealers was Mopoi, a chief of the war-like Azande tribe, who provided slavers with thousands of his tribe's captives.[1] Gray also relates that 'Europeans were amongst the foremost participants in the African slave trade'.[2] As the distinguished Sudanese academic, Mohamed Omer Beshir, stated: 'The suggestion that the Arabs or the Northerners were the only dealers in this repugnant trade and the ones responsible for the violence which accompanied it, is not true.'[3]

An end to slavery in Sudan had been one of stated motives for the British intervention in the late nineteenth-century. The subsequent Anglo-Egyptian government ensured that slave trading as an organised concern was brought to an end: the colonial government remained very hostile to the institution of slavery in all its forms. It is significant to note that while slave trading was at an end, inter-tribal disputes and fighting still resulted in the kidnapping and taking of captives, captives then often used as forced labour. *The Report on the Finances, Administration and Conditions of the Sudan* in 1904 records a 'certain amount of kidnapping' in eastern Sudan'. There were also cases of kidnapping in Kordofan, Darfur and the Blue Nile. Beshir records that: "Abduction for the purpose of forced labour, especially among the nomad tribes of South West and North West Kordofan, continued until 1912"[5] McLaughlin documents that between 1905-1913 two hundred and forty-two people were arrested and convicted of 'kidnapping and abduction'.[6] As late as 1947, an official Sudan government publication warned that kidnappings were still happening, being carried out by nomadic tribes in the north.[7]

It would be another forty years before accusations of slavery were to be heard within Sudan again. They emerged in the mid-and-late 1980s in the course of the civil war being fought in parts of central and southern Sudan between central government and the

Sudan Peoples Liberation Movement/Army under John Garang. The present civil war in Sudan started in 1983, towards the end of the Numeiry dictatorship, and continued under the Transitional Military Council which overthrew Numeiry in 1985, and then under the several coalition governments headed by Sadiq al-Mahdi from 1986-89. There are undoubtedly several key human rights issues with which the present government is still associated by inheritance. In addition to the civil war in the south, the government, for example, inherited the political and military conflict within the Nuba Mountains of Sudan, a conflict very much the result of specific policies devised in the mid-to-late 1980s by the then government of Sadiq al-Mahdi and John Garang's SPLM/A. These policies included the arming of tribal militias by Sadiq al-Mahdi, militias directly associated with the subsequent allegations of slavery that have been levelled at the Sudan, and the arming of these militias was the direct result of the SPLA's desire to spread the civil war to a new part of Sudan.

The issue of the tribal militia raised, armed and used by the Sadiq al-Mahdi regime and the allegations of slavery go hand-in-hand. In order to examine the situation today it is important to trace the relationship between the two. The Nuba Mountains and the conflict within it have attracted considerable international attention, presently focused upon the present government in Khartoum. The British human rights group African Rights states very clearly, however, that "The war in the Nuba Mountains began in July 1985". African Rights also describes the genesis of this conflict, and the deliberate arming and use of tribal militias:

> There were two events: an isolated raid by an SPLA unit on a cattle camp for Baggara Arab nomads close to the north-south internal boundary, and the government decision to arm the Baggara as a militia to fight the SPLA and the civilian population thought to be sympathetic to it.[8]

The SPLM/A killed sixty Baggara tribesmen and wounded 82 others during the raid mentioned above. These circumstances unleashed raids by the army and newly equipped militia on villages and their inhabitants, resulting in the death of large numbers of Nuba Mountain residents and their leaders, numerous arrests and detentions, stock theft and army reprisals within areas in which the SPLA were believed to have had a presence. British journalist Julie Flint has also documented the origin of the violence in the Nuba Mountains and the role of the Sadiq al-Mahdi government and SPLA within it:

> Until the 1980s, Baggara and Nuba lived in intimate enmity - sometimes raiding, sometimes intermarrying, but with mechanisms for regulating disputes. This collapsed after the SPLA made its first incursion into the Nuba Mountains in 1985, killing and wounding more than 100 Arabs. The government responded by arming the Baggara against the Nuba. Neither side behaved well. The Baggara militia ran amok. The SPLA raided villages for food and forcibly conscripted young men. Tens of thousands of Nuba fled their homes.[9]

African Rights have also summed up the essence of the Nuba conflict, pointing a particular finger at the Sadiq al-Mahdi regime:

> This stage of the war, and in particular the militia strategy, was designed by elected politicians, mainly from the Umma party. These politicians, most of whom are now in opposition and who speak grandly of 'democracy' and 'human rights', are among those who bear most guilt for the crimes committed against the Nuba.[10]

Human Rights Watch/Africa have also explored the origins of the slavery allegations:

> The practices described as slavery in Sudan have their current origin in the human rights abuses committed in the civil war by government troops and militia in the south and the Nuba Mountains. These abuses did not start with the current government which took power in June 1989. They routinely were committed by Arab militias armed by local government and the Umma Party under the democratically-elected government (1986-89) of Prime Minister and Umma Party president Sadiq al-Mahdi.[11]

African Rights states that several people were intimately involved in designing the militia policy: Fadallah Burma, who served as a Minister of State and defence advisor under Sadiq al-Mahdi; Abdel Rasoul el Nur, the Governor of Kordofan from 1987-9 and a former private secretary to Sadiq al-Mahdi; and Hureka Izz el Din, the chairman of the Umma party parliamentary group from 1986-9.[12] That the Umma party and Sadiq al-Mahdi opened a Pandora's box of inter-tribal violence is clear. And it is out of this deliberate policy that the allegations of slavery started to emerge. A comprehensive report on the El Diein massacres in March 1987, where Rizeigat tribal militia were involved in the shooting or burning alive of hundreds of Dinka men, women and children, was written by two Muslim academics at the University of Khartoum and showed the intensity of this new conflict. This report, *The Diein Massacre and Slavery in the Sudan*, stated that:

> Government policy has produced distortions in the Rizeigat community such as banditry and slavery, which interacted with social conflicts in Diein to generate a massacre psychosis. Armed banditry, involving the killing of Dinka villagers, has become a regular activity for the government-sponsored militia. Also linked with the armed attacks are the kidnapping and subsequent enslavement of Dinka children and women. All this is practised with the full knowledge of the government.[13]

Sadiq al-Mahdi resolutely defended the militias, claiming against all the evidence that the Rizeigat militia were not guilty of the massacre, and subsequently stating that militias "were only to defend democracy".[14] Amnesty International was also able to describe the nature and effects of Sadiq al-Mahdi's policies:

> Between 1985 and 1988 northern Bahr al-Ghazal was devastated by a series of raids by the *murahaleen*, a militia raised from the Rizeiqat and Missenya nomadic tribes of Southern Darfur and Southern Kordofan. Initially self-armed, the *murahaleen* developed close links with the armed forces and the Umma party, historically the strongest party in western Sudan. The raids, which involved the killing of thousands of Dinka civilians, rape, the abduction of women and children, the looting of livestock and the destruction of homesteads, led to severe famine in northern Bahr al-Ghazal and the displacement of hundreds of thousands of civilians.[15]

This then was the appalling situation within parts of southern and western Sudan and in the Nuba Mountains before the present government took power in 1989. The position at least of the

present government on slavery is very clear. It states that Sudan is a signatory to several key international conventions outlawing slavery. These include the Slavery Convention of 25 September 1926, as amended by the New York protocol of 7 December 1953 and the Supplementary Convention on the abolition of slavery, the slave trade and institutions and practices similar to slavery was ratified by the Sudan in 1956 and 1957. In 1995, following claims of the existence of slavery in remote areas of Sudan, the Sudanese government established a five man commission to investigate any alleged instances of slavery within the Sudan. Additionally, the 1991 Criminal Law Act clearly defines abduction, forced labour, kidnapping, unlawful confinement and unlawful detention as criminal acts punishable by imprisonment. The 1992 government publication, *Sudan Yearbook*, in a section reviewing measures to end the conflict in southern Sudan, clearly stated the government's position with regard to slavery:

> The issue of the slave trade, whatever historical justifications it had, and regardless of the participation of many quarters therein, whether colonialism, the North or citizens from the South, has been, and will continue to be for ever, the most atrocious practice ever known in history.

What then are the practices which have been described by some groups as "slavery"? What appears to have happened is that as the civil war spread to other parts of Sudan in the late 1980s, both the government and SPLM/A armed tribal militias within areas which had traditionally seen considerable inter-tribal conflict, including the raiding, abductions and kidnapping mentioned in the above colonial instances. Raiding, which had been virtually dormant for decades was given a new lease of life as traditional rivals such as the Baggara and Dinkas were armed with modern, automatic weapons and encouraged to attack each other. Additionally, given the vastness of Sudan, and even without the dislocation of civil war, several large areas of the country proved difficult to administer - just as they had been during the colonial government - providing ideal circumstances for abduction and kidnappings. It would appear that even travel guides have more of a grasp of the reality of Sudan than many human rights groups and Western governments. The *Lonely Planet* guide to travel in Sudan warns that: "The far west, particularly Darfur, is plagued by bandits who apparently have little compunction about robbing and sometimes killing their victims. The government is attempting - so far with only limited success - to bring these people under a measure of control"[16] There is also a particular difficulty in defining exactly what constitutes "slavery", an issue discussed below in more detail. What has been increasingly presented as slavery by anti-Sudanese and anti-Islamic propagandists can in no way be compared to slavery as we understand it. Additional attempts to project the present government of Sudan as either explicitly or implicitly supporting or condoning these practices is fundamentally dishonest, despite the clear implication of the previous government in allowing widescale abuses of human rights and practices within these areas.

Given the present hostility of the United States government to the Sudanese state, it is interesting to note the references to slavery contained in the Department of State's comprehensive human rights publication, *Country Reports on Human Rights Practices*. The 1990 entry on Sudan touches on several of the issues mentioned above: "Slavery reportedly exists in those remote areas where government control is weak and where displaced persons fleeing the war zones come into contact with armed groups...The revival of slavery is often blamed on economic pressure and the civil war, especially the practice of arming tribal militias"[17] The 1992 *Country Reports on Human Rights Practices* quite clearly states that: "Sudanese law prohibits forced or compulsory labor and there was no evidence of organised or officially sanctioned slavery"[18] The official United States perspective would seem to echo the Sudanese government's description of what was going on within Sudan. It is important to further note that the years covered in the above reports were years during which there was a marked escalation in the civil war, and the disorder and chaos that would have been associated with such increased conflict, and therefore the potential conditions for raiding, abductions and kidnapping would have been heightened. Yet the American position was quite clearly that there was "no evidence of organised or officially sanctioned slavery." From 1993 onwards, there was a marked de-escalation of the conflict resulting from the SPLM/A's loss of rear-bases in Ethiopia and the fragmentation of the SPLM/A itself. It is ironic and somewhat contradictory, therefore, that as the conditions for raiding, abductions and kidnappings decreased, what can only be described as a concerted propaganda campaign highlighting allegations of slavery and slavery-like practices was focused on Sudan and the Sudanese government from 1995/6 onwards.

The early official United States government position outlined above was, of course, to change as the propaganda war was stepped up against the Sudanese government, when allegations of slavery would presumably have been seen as valuable and suitable propaganda and as the United States government and its allies stepped up their political and propaganda campaign. From 1995 onwards the allegations of slavery resurfaced with groups such as Christian Solidarity International claiming that "the institution of slavery continues on a large scale in GOS (Government of Sudan) controlled areas of Sudan".[19]

In 1995, however, African Rights published a report on the conflict within the Nuba mountains. *Facing Genocide: The Nuba of Sudan*, which ran to 344 pages and was a forthright examination of both government and SPLA excesses. The issue of slavery is briefly mentioned in a section on forcible abductions. The report recorded that "El Amin Omer Gardud had been alerted to two cases, which he was investigating".[20] In one case three children had been "snatched" by a tribal militia: two had escaped. In the other case two girls were allegedly abducted by government forces. In a further reference, the report recorded that a woman had been abducted and was then "married" to a soldier. This was referred to as "a form of slavery".[21] One presumes that the slavery issue was not as pressing an issue as the American government and its allies may have wished it to be.

It is significant in this respect that the black former Congressman Mervyn Dymally, a former chairman of the House of Representatives sub-committee on Africa, observed at a conference in November 1996, that allegations of Sudanese slavery were new and had never been brought to his attention during his twelve years on the Africa sub-committee. Dymally speculated that one reason for it surfacing in 1996 was that "it is a very emotional issue for forty million (black) Americans".[22]

It is also notable that in its comprehensive 1994 report on Sudan, *Civilian Devastation: Abuses by All Parties in the War in Southern Sudan*, Human Rights Watch/Africa does not once mention slavery. Interestingly, the report cites a United States State Department cable which noted that government authorities in Wau and Aweil had freed kidnapped women and children, women and children detained by tribal militias.[23]

What becomes clear is that there would appear to have been a time in 1995 or 1996 when what had previously been described as "abductions" were suddenly reclassified as "slavery." Human Rights Watch/Africa's 1996 report, *Behind the Red Line: Political Repression in Sudan*, for example, contains an eight-page section entitled 'Taking Children and Women Slaves as War Booty'. The section is somewhat contradictory to say the least. The report categorically denies the Sudanese government's reading of the captives issue, which was that 'these practices are nothing more than hostage-taking, done by both sides'[34] - the section records that 'The government claims that with regard to slavery, "the element of intention is decisive." In the Sudan, it maintains, tribal fights normally result in captives and prisoners of war on both sides of the conflict, but there is no intention to take slaves'[35] The report also went on to deny the Sudanese government's perspective that these captives would then normally be exchanged or ransomed at periodic meetings between the tribes and communities in question. While denying these practices, and preferring to label them as slavery, the Human Rights Watch/Africa report then goes on to describe exactly such circumstances later on in the section. It is worthwhile quoting the relevant passage in the report in some detail:

> In late 1995, meetings reportedly were held between representatives of the Dinka and the Rizeigat (Arabized western tribes, originally nomads in Darfur), a subgroup of the Baggara. In exchange for access to the fresh pasture land and water controlled by the SPLA, the Rizeigat agreed to release Dinka "prisoners" captured during their raids. They reportedly brought with them to a meeting a list of 674 children already identified and whose release has been promised. They were given Ls. 250,000 (US $473) for the immediate transport and clothing of twenty children said to have been gathered in Nyala in Southern Darfur.[36]

What is cited above is *precisely* the sort of inter-tribal 'conference' described by the government of Sudan, the existence of which was denied by Human Rights Watch/Africa in its report. What is also significant is that the report goes on to mention that in Nyala the relatives of two young teenage Dinka women had gone to court to secure their release from captors. The report also records that government authorities in El Diein in southern Darfur had ordered the release of "dozens of Dinka children brought to El Diein and surrounding villages by raiders who had captured them from the area around Aweil in Bahr El Ghazal in early 1996". These children were then handed over to the Dinka community in El Diein. The report also cites the case of an orphaned Dinka boy who had been kidnapped in 1986 by militias loyal to Sadiq al-Mahdi. His uncle had located him and informed the Sudanese police and "The police issued a warrant for the release of the boy to the uncle".[37]

The section also additionally documents that in 1995 government authorities in Aweil freed 500 captured women and children who had been taken prisoner during fighting between tribal militias. Human Rights Watch/Africa also recorded that the human rights committee of the Sudanese parliament was in southern Sudan in early 1996 "investigating reports of slavery". The report also confirms that on 22 March 1996, the government of Sudan "notified the U.N....that it was extending the mandate of an existing special committee to investigate alleged cases of slavery and related practices in the Sudan. This committee is composed of representatives of the ministry of justice and interior, internal and external security, and military intelligence".[38]

The eight-page 'slavery' section in *Behind the Red Line: Political Repression in Sudan* is made up of four heavily-footnoted pages dealing with the post-1989 period, and the remaining four pages relate to the years 1985-1989, during which Sudan was administered by the Transitional Military Council and governments headed by Sadiq al-Mahdi. Far from proving or substantiating the very grave charge of slavery, the four pages dealing with the present Sudanese government reveals that the age-old practice of abduction and kidnapping and then exchanging or ransoming prisoners taken during what are essentially tribal conflicts (albeit perhaps dressed up in pro-government and pro-SPLA clothes) is alive and well, having been rekindled and fuelled by the Sadiq al-Mahdi governments. Human Rights Watch/Africa also unambiguously documents that government authorities have repeatedly intervened to release prisoners from what is clearly unlawful captivity. Additionally, the report documented that civilians have been able to go to court in successful attempts to free people held illegally.

The 1995 Human Rights Watch/Africa report *Children of Sudan: Slaves, Street Children and Child Soldiers*, contains a 23-page chapter entitled 'Slavery' or forced labor of minors kidnaped from their families during militia raids'. The evidence cited to support the claims of slavery were described as "summaries of the testimonies of some of the individual victims" and related over eleven pages. The evidence provided, in fact, rests upon three cases, those of three Dinka children called Alang, 'Mabior' and 'Akom'. (The last two are pseudonyms). Once again, far from proving any case against the present government of Sudan, these testimonies are an indictment in effect of the Sadiq al-Mahdi regime. Alang was six years old when she was captured during a raid in 1986 by militias loyal to Sadiq al-Mahdi. Her father was killed and her mother injured in the raid. 'Mabior's story is somewhat confused. The introduction to his testimony states that he was abducted at the age of eight by a soldier during a raid on his village near Bor in 1988. It is then mentioned that he was abducted during a raid in 1992. 'Akom' was five years old when he was kidnapped during a raid by militiamen loyal to Sadiq al-Mahdi in 1988.

In all three cases these southern Dinka children had been abducted by soldiers or militiamen loyal to, or serving, Sadiq al-Mahdi governments. In all three cases the abducted children were subsequently kept in conditions of domestic servitude and abuse. And in two cases the children were released as a direct result of legal or judicial action during the tenure of the present government: in the third case legal action was underway but was curtailed by the removal of the child to a place of safety, which was interestingly enough, Khartoum, where the child was said to be "living in freedom".[39] Amnesty International has also documented the use of courts to free illegally held children. Amnesty International has also reported that government authorities have intervened to free villagers being held as prisoners by tribal militia in 1993 and 1994.[40] Even the material presented by Christian Solidarity International in its evidence to the United States Congressional sub-committees on International Operations and Human Rights, and Africa, in March 1996, reflected that a considerable number of the people cited as victims of slavery had in fact abducted during in the late-1980s by forces loyal to Sadiq al-Mahdi.[41]

Quite frankly, if this is the best evidence that can be gathered to support allegations of slavery or the condoning of slavery by the present government in Khartoum, then there is not much of a case to answer. Human Rights Watch/Africa has undoubtedly been very keen to gather as much direct evidence of these allegations as

possible. If they are not able to support the claims then that does not say much for the veracity of the allegations.

Far from proving their case, the material presented by Human Rights Watch/Africa in fact contradicts the claims that the government of Sudan supports or condones slavery in Sudan. Despite lurid claims that the present government is implicated in the slaving of thousands of Southerners, the specific evidence produced by Human Rights Watch/Africa proves that military forces loyal to Sadiq al-Mahdi were directly involved in the kidnapping and abduction of southern Sudanese children. The specific evidence provided by Human Rights Watch/Africa in two reports also clearly demonstrates that the present government's local government and police authorities have directly intervened on several occasions, occasions documented, in passing, by human rights groups, to release women and children detained by tribal militias. Indeed, once again, even evidence by Christian Solidarity International includes testimony that slavery-related practices "takes place in secrecy".[12] And, lastly, Human Rights Watch/Africa has also provided ample evidence that in case after case when evidence has been produced of illegal abduction, kidnapping or detention, the government has acted to free those victims of an earlier government's excesses. There is not one single recorded instance of this happening during the Sadiq al-Mahdi governments.

The recourse to law to free illegally detained people, as mentioned in the various Human Rights Watch/Africa reports cited above is very significant. In *Children of Sudan: Slaves, Street Children and Child Soldiers*, for example, Human Rights Watch/Africa spends some time discussing the definition of slavery. This is clearly a crucial area. In the above report, Human Rights Watch/Africa cites "one authority" who states that: "The term 'slavery' is technical and limited in scope, inasmuch as it implies ownership as chattel by another person and 'the destruction of the juridical personality.'"[13] It is clear through the repeated use of the judicial process to free those subjected to involuntary domestic servitude that far from having been destroyed, the juridical personality exists and has been seen to have been enforced on numerous occasions (and in most cases far away from any Western eye, presumably precluding, therefore, any public relations motive).

The present government in Sudanese government came to power through a bloodless military *coup d' état* in July 1989 which overthrew the Sadiq al-Mahdi administration. It is a matter of record that the present government moved quickly to address the status and activities of the various tribal militias brought into being over the years. Shortly after coming to power, the Bashir Administration attempted to centralise, control and structure the various disorganised and undisciplined tribal militias, legacies of the Sadiq al-Mahdi government. In November 1989 the new government passed the Popular Defence Forces Act which absorbed the militias into the Popular Defence Force with the stated aim of instilling professionalism and discipline into these militias. Not surprisingly there were, and continue to be, a number of difficulties and problems in this process, but it was a process which the government clearly entered into. The behaviour of the militias had itself been a source of conflict between the Sadiq al-Mahdi regime and the Sudanese army. Apart from seeking to curtail the excesses of the militia from a military point of view there was another, political, reason why the government moved to control the tribal militias. The simple fact is that the Baggara militia so closely identified with these allegations of widespread abductions and kidnapping was not only a vehicle of the Sadiq al-Mahdi governments but owed long-standing historical loyalty to his sect and party. As the human rights activist Alex de Waal has stated: "the Mahdist Ansar organisation remains the dominant political element in the Murahalin". As de Waal has also pointed out, the present government in Khartoum are very aware of this: "the perceived continuity of tradition accounts for some of the fear with which the Murahalin are regarded in Khartoum".[14] Other academics have also pointed out that the present Khartoum government were keen to bring the militias under control: "there is no reason to suggest that they were all under the full control of the Government, a fact which prompted the Government to promulgate, in 1989, the Popular Defence Act".[15]

The religious and race issues

Several of the allegations of slavery and slavery-related practices have additionally attempted to project them as linked to some sort of Islamic project against Christians within Sudan. Christian Solidarity International reports, for example, have carried statements such as "Slavery is used by the Government to debilitate and exhaust the Christian Communities".[16] Attempts to intrinsically link Islam and Islamic societies to slavery are patently false and misinformed. Slavery had been practised since the beginning of time and has featured within both Christian and Islamic societies. Both Islam and Christianity accepted the *defacto* institution of slavery, indeed it was the backbone of the deeply Christian, white southern states of the United States until 1865. Slavery is not supported or encouraged in either the Quaran or in the Sunna there are references pertaining to the good treatment of slaves. There is a tradition ascribed to the Prophet Muhammad, that the wickedest of people are those who sell people.[17]

The inter-tribal raiding rooted in Sudanese history, which clearly reached a peak in the mid-to-late 1980s, and which exists to this day, is divorced from political or religious control from the centre. As the respected academic authorities on tribal militias, Salih and Harir, state:

> Even though the national political arena is dominated by debate over the values and ideology of the state, Islam and Christianity have never entered the realm of local politics nor have they provided the main source of antagonism at the village level, simply because they are not issues of political concern to the majority of the rural population...the rural populace used the war to pursue objectives that are different from those of the political elite, for instance, to square old enmities with neighbouring ethnic groups or to rustle cattle, seize women and plunder crops...It is therefore not possible to associate the emergence of tribal militias indirectly with the upsurge of strong Islamic sentiments within certain political elites in the North.[18]

There have also been attempts to portray the slavery allegations as being racial in nature. It is regrettable that at least some of these attempts have been by Christian groups. In his March 1996 article on allegations of slavery, for example, an article based on material provided by Christian groups, Sam Kiley quotes a Christian minister: "'The slavery is obviously racially based. Black people are considered slaves by this regime, whatever its claims to adhere to the Koran's teaching on the brotherhood of men' said a cleric behind the anti-slavery operation'".[19] As we have seen, the allegations of abduction, kidnapping and ransoming are closely identified with the activities of the Baggara tribal militias. As anyone who knows, or has studied, Sudan will know there is very little, if any, physical difference between the Baggara and those they have been accused of abducting and kidnapping. The key reference source, *Sudan: A Country Study*, produced by the

American University on behalf of the American Defence Department, makes this very clear stating, for example, that "northern populations fully arabized in language and culture, e.g., the Baggara, cannot be distinguished physically from some of the southern and western groups with whom they are in contact".[39] It is disturbing to note that Christian Solidarity International has repeatedly added the term "black" when referring to those abducted when there is every likelihood that both parties to these allegations would have been black Sudanese. This is unfortunate because it does present these allegations within at best a questionable and at worst a non-existent racial context.

Definitions of slavery

There has also been considerable confusion in defining or coming to terms with exactly what constitutes slavery or slavery-like practices. Allegations and accusations of "slavery" have been made by several groups, and in the absence of any strict definition of the term, there have clearly been exaggerations and distortions particularly with regard to Sudan.

As pointed out by Sean Gabb in his open letter to the British Secretary of State for Foreign Affairs, specific conditions and a certain framework must be present for a slave state to exist. "An institution like slavery, if it is to exist in any formal sense, must leave obvious footprints in the laws of a country." Gabb went on to observe that the law codes of slave states:

> "contain hundreds of pages devoted to questions arising from the existence of slavery. Are there any classes of free person forbidden from owning slaves? How are slaves to be bought and sold? If one escapes, after how long, if at all, is he to be considered legally free? What, if any are a slave's legal rights? If his religion is different from that of his master, may he be forced to convert? Is he allowed to marry? What is the legal status of his children? These and many other questions must be answered somewhere in the laws of a slave state...**Yet the laws of Sudan are absolutely silent on all these questions. Indeed, at every point touching on the existence of slavery, Sudanese law is clearly prohibitive**".[41] (emphasis added)

There are, however, definitions of slavery which are quite obviously far looser than the generally accepted one. The long-time British human rights activist Lord Hylton, for example, chaired a conference in London on what has been described as slavery in Britain in May 1995. The conference was titled "1995 Slavery Still Alive".[42] The London *Times* of 23 September 1996 also reported that accounts of the imprisonment, assault and starvation of foreign domestic workers within the United Kingdom had provoked "a new wave of political debate on slavery in Britain, 163 years after its abolition". The *Times* went on to state that "Campaigners claim that Britain has become a 'slave haven' for wealthy foreign diplomats"". Anti-slavery campaigners had recorded more than 2,000 cases of serious abuse of domestic workers: "Campaign groups claim that allegations of slavery are justified because of the lack of help offered to servants by the Government allows employers total control of their workers' lives." The issue of domestic slavery within Britain was debated at both the Labour and Liberal Democrat party conferences in 1996. Some commentators appear to lack any definition at all. The British journalist, Bernard Levin, writing in the *Times* in an article entitled "A slave state of our time", alleged, without the slightest evidence, that slavery was alive and well in Sudan. He claimed that twelve thousand southern children were "currently enslaved in the North". He freely conceded his article was based on CSI material.[43] It is somewhat disconcerting given the grave issue of slavery raised in his article that Levin has openly admitted to exaggerations in his work stating "It is quite widely known that my middle name is Hyperbole, and I think I can say that I have lived up to it...I have got into the habit of multiplying awfulnesses, just for fun".[44]

It would perhaps place Mr Levin's predilection for exaggeration into perspective that in 1993, in a *Times* column entitled "Of inhuman bondage", he states that "Slavery has reappeared in Britain", claiming that he had in his hands "unchallengeable evidence of the truth of it. A book by Bridget Anderson, entitled Britain's Secret Slaves and published by Anti-Slavery International, has provided the copious evidence, scrupulously documented. There are slaves in Britain...it is absolutely essential, in thinking about this dreadful business, to understand that...the slavery...is going on at this moment, all over the country, and the British government condones it". He believes that there are hundreds, if not thousands of slaves in Britain. What Levin is actually referring to is the mistreatment of domestic servants brought to London by foreign families resident in Britain.[45] This illustrates quite clearly a tendency to use terms such as slavery in a particularly slapdash manner, as clearly, from Mr Levin's point of view, the governments of Sudan and Britain both condone slavery.

If in the minds of Lord Hylton, Levin and others, what they describe as slavery can exist within the United Kingdom, perhaps the freest and most democratic country in the world, where access to the legal and judicial system is direct and clear-cut, four observations follow. Firstly, there is the distinct possibility that these practices are not slavery as generally understood. Secondly, if these practices were alive and well in Britain, then they could well occur within a country racked with civil war, a country parts of which historically have never really been fully administered. Thirdly, if Levin is lax in his definition of what constitutes slavery in Britain, then there is every possibility he is equally ill-defined in what he labels as slavery in Sudan. And fourthly, both Lord Hylton and Levin provide examples of how certain illegal and odious practices can exist within a country, whether it is Britain or Sudan, without the government in any way condoning them.

What is also clear is that what Christian Solidarity International has presented as slavery is in fact the taking of captives during tribal raiding (whatever the modern political context), followed in some cases by equally illegal forced domestic servitude. It is highly unlikely, for example, that a former captive such as the 65-year old tribesman, cited in a CSI report and featured prominently in a London *Times* article, would ever have been taken for purposes of slavery or slavery-related practices: common sense would dictate that he was simply too old and infirm.[46] He was, however, clearly one of the many tribesmen illegally taken captive during inter-tribal raiding - yet he is presented as a "slave" by a sensationalist media. Many of the instances Christian Solidarity International have described are clearly the kidnapping and subsequent ransoming of those abducted. While undoubtedly done for sincere reasons, the decision of Christian Solidarity International to pay the ransom on kidnap victims is questionable. Christian Solidarity International is then party to a process whereby it pays ransom to people who claim to have in turn kidnapped children from their original abductors, with no means of ascertaining that this is indeed the case. In summary, Christian Solidarity International's involvement in ransoming kidnap victims (and in some cases double kidnap victims), while providing media sensationalism, does not in any way provide evidence of slavery. It does provide evidence of tribal raiding,

captive-taking, kidnapping and ransoming within areas of Sudan in which government administration is clearly weak or absent (evidenced by the fact that you were able to visit them accompanied by SPLA gunmen).

Perhaps the last word on definitions can be given to British journalist Simon Sebag Montefiore who has thoroughly researched the claims of slavery in Africa, clearly in considerably more depth and with more intellectual and practical vigour than Levin, for a British television documentary. Writing about the issue in the London *Sunday Times* magazine, he observed:

> The word 'slavery' is often used loosely in an African context: we frequently read tales of schoolchildren in, say, Sudan or Liberia being kidnapped and sold in the midst of civil wars. But chattel slavery, the formal system that existed in the Middle Ages and in the American South before the civil war, supposedly survives now only in Mauritania."

Human Rights Watch/Africa's attempts to define slavery have included the following positioning. Slavery was defined in the 1926 Slavery Convention in Article 1 (1) as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised". Human Rights Watch/Africa added the following observation: "One power attaching to the right of ownership is the power to completely dispose of the (unpaid) labor of the slave". Human Rights Watch/Africa then cited this as justification for classifying the kidnapping of Dinka children and their subsequent use as forced unpaid domestic servants as slavery. Given that the evidence produced by Human Rights Watch/Africa dealt with individuals abducted during a previous government, and made to work as unpaid domestic servants until freed by legal intervention by the present government, the involvement or implication in slavery or related practices of the present government is unproven at best and unclear at worst.

The SPLA and slavery

What is clear, however, is that by Human Rights Watch/Africa's own working definition, the Sudan People's Liberation Movement/Army led by John Garang is clearly and unambiguously identified with slavery and related practices. Garang has led the SPLA since 1983 and is therefore directly accountable for the kidnapping, abductions, forced labour, forced conscription and other slavery-related practices his organisation has been party to.

The 1990 United States State Department's *Country Reports on Human Rights Practices* records that the SPLA were responsible for the arming of tribal militias in the Nuba Mountains.[48] It further stated that "the SPLA/M often forced southern men to work as laborers or porters or forcibly conscripted them into SPLA ranks. In disputed territories this practice was implemented through raids". The role of the SPLA in creating the circumstances for slaving was touched on in the 1991 *Country Reports on Human Rights Practices* which recorded that: "It was not clear at year's end whether the intra-SPLA fighting, marked by Nuer-Dinka tribal rivalries, would also result in the taking of slaves".[49]

The 1991 *Country Reports on Human Rights Practices* placed on record that the SPLA had "forcibly conscripted at least 10 000 male minors"[50] and reiterated that the SPLA/M continued to use southern men for forced labour and portering. Human Rights Watch/Africa and the Children's Rights Project published *Sudan: The Lost Boys* which described the removal of young boys from southern Sudan by the SPLA in what has been described as the "warehousing" of children for subsequent use in the war.[51] These children are unaccompanied and the SPLA have refused any attempts at family reunification. Once suitably isolated these children are then used for forced labour and then forcibly conscripted into the SPLA.

In its 1994 report *Civilian Devastation: Abuses by All Parties in the War in Southern Sudan*, Human Rights Watch/Africa documented the SPLA's use of "forced unpaid farm labor on SPLA-organized farms". Human Rights Watch/Africa also reported that "The SPLA has conducted forcible recruitment...since at least the mid-1980s" and that "Forcing civilians to porter supplies for the SPLA is a chronic abuse".[52] *Civilian Devastation: Abuses by All Parties in the War in Southern Sudan* also described the phenomena of "military slavery". Douglas Johnson in "Military Slavery in Northeast Africa" states that: "Military slavery involved systematic acquisition of slaves who were trained and employed as soldiers".[53] Human Rights Watch/Africa goes on to observe that "the southern Sudan and the Nuba hills were seen by Anglo-Egyptian officials as the main reservoirs of recruitment of new slave soldiers".[54] The clear and unambiguous resemblance between SPLA forced recruitment within these very same areas and what has previously been termed "military slavery" is obvious. The comparison between John Garang's SPLA and the old Turkish-Egyptian regime which colonised, enslaved and terrorised parts of Sudan in the nineteenth-century is also clear. The Egyptian state was sustained by a caste of soldier-slaves known as the *Mamelukes*, a grouping similar to the Turkish *Janissaries*. This caste was based on the deliberate enslavement and isolation of children who were then militarily trained to serve the political masters of the day. The SPLA's purposeful abduction and isolation of southern Sudanese children can be seen as a corrupted and less sophisticated version of the *Mameluke* model, the result of which is a grouping of child soldiers within the SPLA known as the "Red Army". The SPLA's abduction and gathering of children, and their subsequent treatment, is dealt with over almost thirty pages in *Civilian Devastation: Abuses by All Parties in the War in Southern Sudan*.[55] In a separate study, Human Rights Watch/Africa concluded that:

> The primary purpose, however, of luring and keeping thousands of boys away from their families and in separate boys-only camps was, in the judgement of Human Rights Watch, a military purpose. This resulted in the training and recruitment of thousands of underage soldiers who were thrust into battle in southern Sudan and briefly in Ethiopia.[56]

In addition to John Garang's close identification with slavery and practices described as slavery by key international human rights groups, the SPLA has also been closely identified with terrorism and additional widespread abuses of human rights with Sudan. The United States Department of State's 1990 *Country Reports on Human Rights Practices* reported that the SPLA "conducted indiscriminate mortar and rocket attacks on the city of Juba, killing more than 40 civilians and wounding many others. These attacks...seemed intended to terrorize the inhabitants". The human rights report also stated that there had been "extensive pillaging and shooting of civilians by SPLA/M forces along the Sudan-Ethiopian border".[57] In November 1991 the SPLA again shelled the southern city of Juba, killing 70 civilians. In August 1991, the SPLA fragmented and one of the factions, the Nasir

Group, accused Garang of human rights violations including the torture and execution of opponents, arbitrary detentions and the forced conscription of children. The SPLA-Nasir group claimed that some of Garang's southern opponents had been incarcerated for up to six years.[8] In 1992, the SPLA continued the random shelling of Juba, killing over 200 southern civilians. Garang's group was also responsible for the murder of three international relief workers and a journalist.[9] The SPLA has also admitted the shooting down of civilian airliners within Sudan, incidents involving considerable loss of life.

It is a matter of record that in its 1994 report *Civilian Devastation: Abuses by all Parties in the War in Southern Sudan*, a 279-page study, Human Rights Watch/Africa devoted 169 pages to 'SPLA Violations of the Rules of War' government violations were dealt with over 52 pages. Human Rights Watch/Africa reported that the SPLA was guilty of, amongst other things, indiscriminate attacks on civilians, abducting civilians, mainly women and children, torture, summary executions, the deliberate starvation of civilians, forced recruitment and forced labour, theft of civilian animals, food and grain, and the holding of long-term political prisoners in prolonged arbitrary detention.[10]

Garang is also politically at best similar to many former Marxists within central and eastern Europe after the collapse of the Soviet Union, that is to say politically untrustworthy and opportunistic. A clear indication both of Garang's political orientation and his own ethics was the unconditional military, logistical and political support he received, and accepted, from the doctrinaire Marxist government in Ethiopia. The Mengistu regime in Ethiopia, the *Dergue*, was responsible for the murder of thousands of Ethiopians, the forced relocation of hundreds of thousands of other Ethiopians, a policy which directly resulted in the agricultural failures and famine highlighted by the Western media in the 1980s. For the SPLM/A to accept support and ideological comfort from such a bloodstained regime is a clear indictment on the ethics, judgement and political orientation of John Garang.

Given the above facts about John Garang and his organisation it is somewhat jarring to read in Christian Solidarity International's June 1996 report that you recommend support for "the efforts of the SPLM/A ... to promote the values and institutions of civil society". You also claim that "the SPLM/A shows a serious commitment to the implementation of principles and policies for the promotion of peace and justice".[11]

Baroness Cox, your close association with both John Garang and Sadiq al-Mahdi, when coupled to your obviously sincere concern about slavery and slavery-like practices is confusing given that most, if not all, human rights organisations and commentators date the "slavery" issue to the mid-to-late 1980s, when the government of Sadiq al-Mahdi armed tribal militias against the SPLA. The then government and the SPLA armed long-standing tribal enemies and in effect renewed the culture of hostage taking, ransoming and abduction - which unfortunately continues to this day despite concerted attempts to stop it. The SPLM/A is additionally undeniably guilty of slavery and slavery-like practices through its abduction and use as forced labour of thousands of southern Sudanese men, women and children. What is even more questionable is that you have not only associated with these men and their organisations, but that you have actively argued their case within the United States Congress and at Westminster. It is indeed ironic that both the SPLM/A and Sadiq al-Mahdi's Umma party are partners in the National Democratic Alliance. John Garang's faction of the SPLM/A is now in direct coalition with the Umma party, a party responsible for many of the atrocities of record within the Sudanese civil war. It was not so long ago that Garang was calling Sadiq al-Mahdi an "Islamic extremist" and Sadiq al-Mahdi was referring to Garang as a "terrorist". It is also somewhat surprising that in addition to these two groupings, the National Democratic Alliance, an organisation you clearly support, has another questionable component, the Sudanese Communist Party - a party with as much of a commitment to democracy as the SPLA and Umma party.

The close identification of Christian Solidarity International with Sadiq al-Mahdi has led what can only be described as a selective reading of recent events in Sudan. The CSI report on its visit to Sudan from 10-15 June 1996 provides an example of this selectivity. Baroness Cox was accompanied on this trip by Mubarak al-Fadil al-Mahdi, a former senior Umma party minister in his cousin Sadiq al-Mahdi's government and now General Secretary of the NDA, Hammad Salih, the East Africa representative of the Umma party, and Bona Malwal, a Sudanese exile who had been a minister during the Nimeiry dictatorship. The CSI report recorded the speeches made by all three during the visit inside Sudan. Mubarak al-Mahdi warned against any attempts to encourage conflict between the Dinkas and Arabised tribes "because such conflict is wrong, and because Allah will not tolerate wrong-doing. Islam does not allow us to attack innocent people." Bona Malwal, a Dinka, was reported as saying that the present government "has armed our local Arab brothers to fight against us." Haddam Salih stated that "Muslims have been attacking Dinkas, burning houses and killing people; this should not be our way; such behaviour reflects badly on Islam and we must stop doing such things. It is not in your own interests to fight your neighbours."

There was not the slightest mention of the Umma party's involvement in years of actively encouraging the very things they were now said to be deploring. This may have been because Mubarak al-Fadil al-Mahdi was the Interior Minister under Sadiq al-Mahdi at the height of the human rights abuses within Sudan, a man described by African Rights as being "seen by many as the architect of the militia policy."[12] Bona Malwal is also no stranger to the al-Mahdi militia policy and its related slavery-like practices. As the editor of the *Sudan Times*, an English-language newspaper published in Khartoum, Malwal had extensively reported on the militia policy, and the abductions and kidnappings associated with it, at the time in 1987. He was denounced by Umma party politicians as an enemy of the Sudan and Sadiq al-Mahdi threatened to close down the *Sudan Times*.[13] Malwal's silence on the very history he so starkly documented in the late 1980s is possibly explained by his current close, and some would say opportunistic, association with the very same Umma party politicians who designed and unleashed the militia policy. It is clear that Sudanese exile politics certainly makes for strange bedfellows.

Conclusion

It is a matter of record that the present government inherited the Sudanese civil war and inherited the atrocious human rights record of the previous administrations. There is also no doubt that as long as the armed conflict within Sudan continues, there will be human rights abuses by all sides to the conflict, such is the nature of war, and particularly civil war. What can be said is that the present government presents itself as a pragmatic administration. It would appear to have quickly grasped the essence of civil war and the dynamics of guerrilla war. The present government realised very early on that despite a very positive military situation by 1993, it probably would be unable to militarily defeat its armed opposition and that those elements of

the SPLA still in the field were very unlikely to topple the Sudanese government. The result was a political stalemate. The government of Sudan then made a number of strategic concessions: Islamic *sharia* law was limited, a federal system was introduced followed by local and state elections and then parliamentary and presidential elections observed by the Organisation of African Unity. The April 1996 Political Charter guaranteed a political referendum for southerners to determine the political status of the south of Sudan. The nation-wide code of *sharia* law within Sudan inherited by the present government from the Sadiq al-Mahdi regime has been limited to those parts of Sudan in which there is a Muslim majority population: non-Muslim areas in the south were exempted. Even the United States Department of State was forced to note that *sharia* exemptions were applied to the south.

Given all the strategic concessions made by this government, its attempts to negotiate peace and achieve a political settlement with the leaders and people of southern Sudan, and the delicate balance within Sudanese politics, it is inconceivable that the government would be party to, or in any way condone, slavery or slavery-related practices.

The various key human rights organisations have quite simply not produced any credible evidence of state-sanctioned or condoned slavery or slavery-like practices. What these human rights groups have documented contradicts such claims. These human rights groups have shown repeated interventions by government authorities to free people detained by tribal militias. They have also documented that due process of law exists in Sudan, whereby Sudanese courts have repeatedly freed people held illegally. The cases reported by groups such as Human Rights Watch/Africa also show that many of the children freed by Sudanese courts under this government were abducted by militias and forces loyal to Sadiq al-Mahdi before the present government was in power.

Baroness Cox, in conclusion, it must be stated that your work on the issue of slavery and slavery-like practices within Sudan is somewhat undermined by your close association with, and support for, Sadiq al-Mahdi and the Umma party and for John Garang and his SPLM/A group, both clearly identified with slavery and related practices according to your own definition. Indeed, your June 1996 trip to south-western Sudan, the scene of so many of the horrific abuses inspired and sanctioned by the Umma party in the late 1980s, including abduction and kidnapping followed by what you term slavery (and documented in some of your own reports) was in the company of very architect of the policy of arming the tribal militias who wreaked such devastation, Mubarak al-Fadil al-Mahdi. For someone as deeply interested in the issue of slavery within the Sudan, your reports show not the slightest interest in the immediate history of slavery and slavery-related practices. Indeed, you openly support those men who are directly responsible for them. Nor do your reports show the slightest interest in the thousands of southern men, women and children abducted and used for forced labour or as "military slaves" by John Garang and the SPLA. Indeed, you visit parts of Sudan in the company, and under the protection, of the very SPLM/A gunmen responsible for such abductions and slavery-related practices.

What your reports, and those of others, also do not explain, is that if what you say is true, and that there is widespread slavery of southern Sudanese by northern Sudanese, then why have two million southern Sudanese voluntarily sought refuge in Khartoum, the very heart of the north, rather than fleeing further south?

There is a further twist. Is it not somewhat contradictory that Christian Solidarity International clearly seeks to hold the government of Sudan accountable for practices and human rights abuses which are happening in areas of Sudan in which government administration has historically always been weak, and in which there has been a clear break-down in law and order, given that the break-down in law and order has been brought about by the very SPLA gunmen you unreservedly support and openly associate with?

Recommendations

Given that there already exist many channels through which it is possible to bring pressure to bear on the Government of Sudan, and given that you are so closely identified with John Garang and his faction of the SPLA, those of us who are committed to a peaceful, negotiated settlement of the Sudanese conflict call upon you:

1 To urge the British Government to adopt a balanced and more constructive approach to the Sudanese political situation, particularly with regard to abuses of human rights by all parties to the Sudanese civil war, and to consider increasing developmental assistance to Sudan to alleviate the social conditions in which many of these abuses take place.

2 To consider a more balanced and less partisan personal approach to the Sudanese civil war, particular with regard to reports published and distributed by Christian Solidarity International.

3 To bring pressure to bear on John Garang and his faction of the SPLM/A to end the slavery and slavery-like practices with which he has been so closely associated.

4 To particularly pressurise John Garang and his faction of the SPLM/A to return those children his organisation have forcibly removed from southern Sudan for the purpose of developing as a "Red Army" and to co-operate with Sudanese and international humanitarian organisations in reuniting these minors with their families.

5 To pressurise John Garang and his faction of the SPLM/A to end the systematic abuse of human rights with which they have for so long been associated.

6 To call Sadiq al-Mahdi publicly into account for the practices and human rights abuses encouraged by his party and governments during the 1980s.

7 To urge John Garang and his faction of the SPLM/A to follow the lead of so many of his southern colleagues and enter into the ongoing Sudanese peace process, a process which has resulted in the signing of political charters guaranteeing most if not all of the demands of the southern Sudanese political leaders, including a referendum on the status of the southern Sudan.

8 To consider investigating, and producing a report on, the issue of the "warehousing" of children by the SPLA for subsequent use as child soldiers.

9 To reconsider your continuing support for the National Democratic Alliance and particularly the Garang faction of the SPLA, given the commitment of those organisations to a violent resolution of Sudan's political problems, especially given that there are clear moves towards a peaceful negotiated settlement from within Sudan itself.

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